

*Public Works Department.***Additional allotment of Money for
Public Works in 1861-62.**

TO THE RIGHT HON'BLE SIR CHARLES WOOD,
BART., G. C. B.,

Secretary of State for India.

Fort William, 23rd December 1861.

SIR,—DURING the months immediately succeeding the issue of orders on the Public Works Budgets of the present year, we had received from

* Madras	Rs. 2,85,600	several of the local
Bombay	2,50,000	Governments
Punjab	1,00,000	applications, sup-
Nagpoor	1,00,000	ported by strong
Pegu	50,000	reasons, for addi-
Hyderabad	30,000	tional grants.
Straits Settlements	25,000	Some of these

were met in part by grants from the amount held in reserve by our Government in this Department,* but that resource was very limited.

2. The call for expediting works to facilitate Cotton export was an urgent reason for giving some additional aid to the different Governments, and we considered our financial prospects to justify a small grant. This we decided in the Financial Department should be limited to twelve lakhs.

3. The papers which we now transmit will inform you of all that has passed on the subject, and show the works on which the local Governments propose to spend the money.

4. It has been necessary to give two additional grants of one lakh each for Military buildings at Rangoon and at Hyderabad.

5. The Barracks at Rangoon had never been completed for a whole Regiment with its families. We had already decided, on the report of the Commission sent to Pegu last year, that the distribution of European Infantry in Pegu should be—

At Rangoon	1	Regiment.
At Thayet Myo	0½	"
At Toungoo	0½	"

But at present the distribution is as follows:—

At Rangoon	0½	(and rather more.)
At Thayet Myo	0½	"
At Toungoo	1	Regiment.

6. The 69th at Toungoo has suffered in health so greatly that it has become necessary to relieve it at once. Both the Commissioner and the Brigadier General were anxious to take this opportunity of effecting the permanent distribution, avoiding future needless movements and reducing the costly keep of troops at Toungoo.

7. For this purpose it became necessary at once to complete the accommodation at Rangoon for a Regiment with its families, and a lakh of Rupees has been assigned for this purpose.

8. As regards Hyderabad, when the Budget orders were issued, we were not satisfied of the necessity of the numerous new Military buildings proposed, and the assignment to them was much

cut down. Since then the whole subject has been carefully considered by a Committee under our instructions, with a view to deciding on a scheme for completing the accommodation at a minimum of expense, and this scheme being approved, it is desirable to complete the buildings as soon as possible. An additional lakh was given to this object. But it was necessary, in order to meet these demands, to add one lakh more to our extra grant, which will now be thirteen lakhs.

9. The distribution which we have made is as follows:—

To Madras, including a special grant for Godavery Navigation of one lakh	2½ lakhs.
Bombay	2¼ "
Bengal	1½ "
N. W. P.	1½ "
Nagpoor	1¼ "
Pegu	1 "
Hyderabad (including one lakh for Military buildings)	1½ "
Light-houses under Captain Fraser	0¼ "
Total	12½ lakhs.

10. The additional grant of one lakh to the Godavery Navigation will make, with the two lakhs which were assigned in the original Budget orders, and the two lakhs given by us as reported in our Despatch No. 44 of 5th July last, five lakhs in all to the works during the current year.

We have the honor to be, &c.,

CANNING.
H. B. E. FRERE.
C. BEADON.
R. NAPIER.
S. LAING.
W. RITCHIE.

In making the addition referred to in the foregoing Despatch, it was the intention of His Excellency in Council that it should be devoted in good faith to the attainment of more decided progress during the current year 1861-62, in opening out facilities for the export trade of the country, and especially for the export Cotton trade. Some slight exceptions to this have been admitted where there is an urgent call for a special work of a different character, but still having an important bearing on the public welfare.

The following Extract from letter No. 2144, dated 19th November 1861, from the Madras Government, gives a brief account of the present state and prospects of the Navigation of the Godavery:—

PARA 2.—THE "temporary" works, as you will perceive, are estimated to cost nearly three lakhs of Rupees for Railways, rolling stock, boats, ponies, superintendence, &c. The improvement of the river bed is expected to require about Rupees 25,000. Thus, for about three and a quarter lakhs, the river will be opened for traffic by the next freshes, and the Cotton crop of the present season be brought down by it to the Coast. These temporary works were not designed to supersede the permanent

works; their object was to open the river as speedily as possible, to attract trade into this new channel, and to afford data for the more perfect operations, the completion of which will be very expensive and will occupy some years. Even when the permanent works are finished, these temporary works will be useful as subsidiaries in drawing traffic, supplies, and labor. It must be borne in mind also, that the permanent works must be completed throughout to be of real use, for the great market which has to be reached is beyond the Upper Barrier, the intermediate country being poor and sparsely populated.

3. The prospects of labor have considerably improved during the last few months; and as Captain Haig expects a surplus of labor over and above what will be required for the temporary works, or can be profitably employed on them, he has been authorized, pending further orders, to proceed with the ancient and such other work at the first Barrier as will not commit Government to the construction of the large locks proposed by him. This will afford ample employment for the present for the labor at his command. He

NOTE.—This is inclusive of the two lakhs promised in July 1861. expects to be able to spend about five lakhs this year, so that a further assignment of three lakhs is necessary, which I am to request may be granted as soon as possible.

4. With regard to the permanent works generally, I am directed to request attention to the Minutes of the Hon'ble the Governor, from which the Supreme Government will perceive that there are several points requiring serious consideration, before the works at all the Barriers can be confidently ordered for immediate prosecution.

5. The Government have sanctioned all the superintendence applied for by Captain Haig, and do not anticipate difficulty in meeting his requirements in this respect. Steamers have been placed on the navigable reaches of the river, and cargo boats are being built. At the outset the Government must of necessity act as carriers of the traffic, and the requisite arrangements have been sanctioned; but the principle is unsound, and they will therefore leave this duty to private agency at the earliest practicable period.

The following is a List of the works on which the Government of Fort St. George propose to expend the additional assignment of Rupees 1,50,000 and which has been approved by the Government of India:—

Road from Vizagapatam to Jeypoor, Rupees 9,000.—This is a line of great importance, commercially and politically. The Cotton of the Nagpore country about Bustar will reach the Port of Vizagapatam by it, and it is desirable to open up the wild tract of Jeypoor, which has hitherto been in a state of great lawlessness from its inaccessibility. A survey for a cart road is being carried on, but a good bullock trace already exists from Vizagapatam to the Galikondah range of hills. The proposed grant of Rupees 9,000 is for the extension of this to Jeypoor, a distance of 60 miles. The Commissioner of Nagpore has been addressed regarding the simultaneous continuation of the road into Bustar.

2. *Ongole to Kottapatam, in the Nellore District, Rupees 14,000.*—A good road has been made already from Ongole westwards to Cumbum, in the

Kurnool District. This grant is for its extension to the Port and Salt Depôts of Kottapatam. If this link be completed, the Cotton and other produce of the northern parts of Kurnool and Nellore can be shipped from Kottapatam and return loads of salt be there obtained.

3. *Nellore to Budwail in Cuddapah by the Dorendala Pass, Rupees 14,000.*—This line leads direct from Nellore into the heart of the Cuddapah District. From Nellore there are good roads to Kistnapatam and Eskapilli, whence produce can be exported by sea and return loads of salt obtained. Kistnapatam will also be ultimately connected with Madras by the East Coast Canal.

4. *Cuddapah to Budwail, Rupees 5,400.*—This completes the above line, and the communication between Nellore, its Ports and Salt Depôts on the one hand, and the Capital of the Cuddapah District on the other.

5. *Cuddapah to Chittoor, in the North Arcot District, Rupees 15,000.*—This is a very important line by which the Cotton and Indigo of Cuddapah and Bellary find their way to Madras.

6. *Cuddapah to the Bellary Frontier, Rupees 9,000.*—This is the main line by which the Cotton of Bellary reaches Madras.

7. *Bellary to Cuddapah Frontier, Rupees 20,000.*—This is the continuation of the above line to Bellary. A glance at the Map will show its importance.

8. *Extension of South Canal from Sadras to the Pádr River, Rupees 17,000.*—*Vide* paragraph 2 of letter.

9A. *Moondagode towards Bunkapoor, in North Canara, Rupees 5,000.*—This will connect parts of the Dharwar Cotton Country with the Port of Coompta, the communications with which are excellent. This line has been sanctioned by this Government.

10A. *Moondagode towards Pallah, Rupees 2,000.*—*Ditto ditto ditto.*

11. *Sumpajee Ghat in South Canara, Rupees 7,000.*—This grant will complete the repair of this important Ghat leading from Mysore and Coorg to the large Port of Mangalore.

12. *Trichinopoly to Caroor, Rupees 7,500.*—This line will connect the western part of the Trichinopoly District with its Capital, from whence by land and rail its Cotton and other produce may be conveyed to Nagapatam for export.

13. *Trichinopoly to Salem, Rupees 5,000.*—This road connects Trichinopoly with Salem, whence the Railway affords easy communication with Madras.

14. *Trichinopoly to Arrealore, Rupees 7,500.*—This line connects the north-east part of the District with Trichinopoly and the Madras Trunk Road.

15. *Madura to Rariaputty, Rupees 6,000 ...* These roads connect the cotton

16. *Madura to Areapucotah, Rupees 6,600* tracts of Madura with the Port of Tuticoria, whence Cotton is largely exported already.

N. B.—For the Cotton Districts of Tinnevely and Coimbatore funds have already been allotted by this Government to the full extent required this year. The same has been done for the Kaiga Ghat and works at Beikhal, in North Canara.

It was originally intended to allot to Bombay 3½ lakhs. But this arrangement assumed a saving in the Punjab of 4½ lakhs on account of

land in Delhi for the Railway, the purchase of which it was intended to defer, a portion of the sum thus set loose would have been transferred to Bombay. The Civil Officers, however, had proceeded to take up the land and the purchase could not be deferred. Hence it became necessary to reduce the sums which had been conditionally promised to some of the Local Governments.

The expenditure proposed by the Bombay Government on the following works has been approved :—

The Trunk Road from Poona to Hurrayhur on the Mysore Frontier, Rupees 1,18,165.—This road passes through the Cotton Districts of Dharwar, and, as it is the main road to Madras, the southern portion between Bunkapoor, one of the central marts, and Hurrayhur will be of great value for the Cotton traffic. Rupees 20,000 of the grant will be spent on this portion.

Road from foot of Koombarlee Ghat to Gowalkote, Rupees 20,000.—The roads from the Cotton Districts of Punderpoor and Beejapoor, *via* Kurar and the Koombarlee Ghat to the sea have been the subject of frequent correspondence. When the rebellion of 1857 broke out work was suspended, but subsequently a sum of Rupees 45,000 was sanctioned for completing such works as were necessary for opening the road to traffic, on condition that no more would at that time be asked for. The Ghat was opened, but from its foot to the point on the river Wasishtee, where Cotton boats can reach every tide, little, if any thing, has been done. As Gowalkote cannot be approached from seaward in the south-western monsoon, the road will be made only as a fair weather one. A pier will also be constructed at Gowalkote to facilitate the shipment of Cotton. The whole work to complete the road will cost ultimately Rupees 86,018.

Parpoolee Ghat in Belgaum, Rupees 25,000. Between Belgaum and the Coast the only direct communication at present is *via* the Ram Ghat to Vingorla; this Ghat is so excessively steep, that to transport a light siege train up it in 1857-58 cost the Government above Rupees 30,000, and so it may be considered prohibitory to cart traffic, an ordinary cart moderately laden requiring six pairs of bullocks to draw it up the Ghat, whereas one pair would suffice on the Parpoolee line.

A project was entered in the Budget of 1860-61 for a road by this Ghat, at an estimate of Rupees 5,60,110, which the Governor General in Council recommended to the Secretary of State; but the latter demurred, pointing out the superior advantages of a communication with Sadasheoghur instead of Vingorla. The Secretary of State was however under misapprehension as to the comparative distance from Belgaum of the two ports.

It is not clear whether the Government of Bombay intends the proposed expenditure of Rupees 25,000 as a commencement of the project of 1860-61, or merely for the isolated improvement of the Ghat descent. Information has been asked on this, and also whether the Government of Bombay desires to bring forward anew for sanction the whole project of 1860-61, which is within the powers now possessed by the Government of India. With reference to the Secretary of State's remarks, enquiry has been made whether any present line of communication exists between Belgaum and Sadasheoghur, and at what probable cost its improvement is practicable.

Road from Barsee Station to Barsee, and improving the tracks thence to Yaramulla and Dhoki, Rupees 25,000.

9. The Cotton traffic *via* Barsee to the Railway is already very extensive, and is increasing every year; the road between the two places is partly over black soil, and is almost impassable during heavy rain, still carts laden with Cotton did struggle through the mud all through the last monsoon, and the Bombay Government maintained a pontoon bridge at the Redowa Ferry, where the line crosses the River "Seena," to enable the carts to pass to the Railway.

It is now desired to make the road a first-class moorumed road with masonry cross drains. Plans and Estimates are in hand, and it is understood that the road will cost about Rupees 5,000 a mile, or Rupees 1,00,000 for twenty miles. Beyond Barsee the road branches off, one branch in the direction of Yaramulla, the other towards Dhoki; both these roads pass through hilly country, and Rupees 5,000 will be spent in improving the Passes.

Two Bridges on the Hyderabad and Sholapore Road within the Bombay Presidency, Rupees 20,000.

Repairs of roads in the Sattara Collectorate, Rupees 2,505. The sum allotted in the Budget has been found insufficient.

Road from Ahmednuggur to the Patus Railway Station, Rupees 9,000.

Metalling the Road from Ahmednuggur to foot of the Imampoor Ghat, Rupees 10,000.—The traffic from the Cotton Districts of Berar *via* Julna and Aurungabad on the north-east, and Paetun on the east, meets at the foot of the Imampoor Ghat. Thence to Ahmednuggur the present moorum road will not stand the traffic, and a metalled surface is necessary.

Portion of Road from Maligaum to Ahmednuggur, between Yeola and Baboola, Rupees 10,000.—From Malligaum to the Railway Station at Munmar, this Road has already been commenced under the provision made in the Budget of the current year, together with a further sum of Rupees 12,000, allotted out of 2½ lakhs subsequently granted for Public Works in Bombay; between the Candesh Collectorate and Yeola there will be spent Rupees 1,000 provided in the same Budget; but between Yeola and Baboola, Rupees 25,931 will complete the road, and of that sum it has been decided to spend Rupees 10,000 during the current year.

Road from Penit to Bulsar, Nassick—Rupees 9,705. There is a considerable traffic on this line, the grains of the Deccan being sent to the coast in exchange for salt and rice. According to new postal arrangements owing to the opening of the Railways, the mails for Guzerat, Sindh, and the Punjab will traverse this road.

Re-building a Bridge near Nassick on the Agra and Bombay Road, Rupees 2,260.

Completing Bridge on the Poona and Ahmednuggur Road, Rupees 3,612.

Road from Chaleesgaum to Dhoolia, Rupees 1800.—Chaleesgaum is the present terminus of the Great Indian Peninsular Railway, and the Mails and Transport Train for the North-Western Provinces have adopted this route. The road will always be a valuable feeder, and it will ultimately be made a good one. The present expenditure is merely to repair the damage of the past heavy monsoon.

It was proposed by the Bombay Government to spend Rupees 18,000 on the road from Dohud to Baroda. But as it was only then being examined by an Engineer, it was considered improbable that the sum could be spent before the end of the current year, and the proposal was disallowed. The sum is available for any of the other works on which there may be required a larger expenditure this year than has been foreseen.

The foregoing sums aggregate Rupees 2,76,092 or 2½ lakhs. The remaining Rupees 50,000, which the Bombay Government had been led to expect, it was proposed to expend in providing increased wharfage at Apollo Bay. But the whole work is estimated to cost nine lakhs. This work will now be commenced out of the one per cent fund on account of which eight lakhs was lately assigned to Bombay.

The Lieutenant-Governor of Bengal was at Darjeeling when the circular intimation of the additional grant reached him. In the absence of Office Records the proposals were general. They are given below. They have received the general approval of the Governor General in Council, and His Honor has been informed that it is by no means the wish of Government to exclude the Darjeeling Hill Road from participating in the present grant.

2. "The Lieutenant-Governor would chiefly devote this money to the opening out of the Wurdah and Mahanuddy Valleys, so that the Cotton grown there may reach and be exported from the Cuttack coast. Letters from Cuttack draw attention to very large stores of Cotton in that city, and it is of great importance that the communications should be improved.

“These are the road from the Nagpore boundary through Sumbhulpore to Cuttack, with a branch road to the road which has to be made from Cuttack to Sonepoor, at the rectangular bend of the Mahanuddy.

“The improvement of the navigation of the Mahanuddy River, and the road from Cuttack to Taldungah on the Mahanuddy, which is the highest point to which boats can navigate from False Point Harbour during the dry season.

3. "A portion of the funds would be devoted to the improvement of the road from Chattru, which is a Cotton District, to Chumparun, on the Grand Trunk Road, forming the first portion of a road to connect Palamow with the Grand Trunk Road.

4. "The Lieutenant-Governor further considers the Darjeeling Cart Road as important a work as any in Bengal, and one to which funds should be assigned. But it does not so directly come under the intention of His Excellency the Governor General in Council in making this further apportionment of funds as the other works mentioned."

The lakh and a half for the North-Western Provinces will be spent as follows:—

On the less difficult part of the road from Kuchla Ghat to Hattrass, Rupees 44,000.

Kuchla Ghat is on the Ganges, near Budaon, and Hattaras is on the branch of the Grand Trunk Road, about 22 miles from Agra.

This line has an important bearing on the traffic of Rohilkund with Agra and the countries beyond, to which it exports much of its surplus produce

in sugar and cereals, and large quantities of timber. The construction of this line as a bridged and metalled road throughout its whole length would impart a great stimulus to the trade of Rohilkund, and would almost certainly encourage the growth of Cotton (for which the light porous soil of Rohilkund is well fitted) to a much greater extent than it has hitherto obtained, owing probably, in some measure at least, to the great difficulty of exporting it.

The more difficult parts in the "Boorh Gunga" or old Ganges, where a great extent of embankment and numerous bridges and culverts will be required, must undergo a careful survey before money can be spent in them. A considerable portion of the line is already in hand. The whole length is 54½ miles. In the Allyghur District fourteen miles are metalled and bridged, and seven more are ready to receive the metal. In the Etah District two miles have been raised, bridged, and metalled, and eleven more are in progress.

Road from Doorgawlee, on the Grand Trunk Road via Ghazee-poor and Deorhee Ghat on the Gogra towards Goruckpoor, Rupees 25,000.—This will not complete the road, but it will suffice to finish a large bridge and effect considerable progress in metalling.

Road from Etawah to Bhind, Rupees 46,000. *Mynpoorie Section of the Furruckabad and Etawah Road, Rupees 35,000.*—This will probably be completed before the end of the current official year. This will complete the road, bridged and metalled, throughout, between Furrackabad, *via* Bewur on the Grand Trunk Road, and the Railway Station at Etawah and Bhind.

No additional allotment has been made to the Punjab, which had already received supplemental aid.

The Commissioner of Nagpore proposed the following distribution of the 1½ lakhs placed at his disposal :—

IMPERIAL ROADS.

The Great Deccan Road, North of Nagpore ...	Rs.	20,000
" " South " "	"	20,000
Southern " Road toward Chanda, " "	"	20,000

The construction of these roads is in active progress, and these sums are but additions to large allotments already made to them.

The remaining Rupees 65,000, together with Rupees 25,000 which the Commissioner contributed from Local Funds, will be expended on District Roads. It has been specially directed that, in distributing funds to the District Roads, preference shall be given to those which will be feeders to the Railway.

In the Hyderabad Assigned Districts an expenditure of Rupees 25,000 has been sanctioned for the improvement of the following roads :—

	Rupees.
Between Akote and Akalah Railway Station, Rupees 250 a mile ...	7,250
Continuing this line to Mallagaum on the Nagpore Dak Line, Rupees 150 a mile...	4,800
Between Morsee and Budnaira Railway Station, at Rupees 250 a mile ...	9,750
Continuing this line to Peepree on the Nagpore Dak Line, Rs. 153 a mile ...	3,000

These are the most important Railway feeders in Berar. It has been directed that the rule shall be generally observed, that the money shall be devoted to the worst parts of the road first, i. e. Ghats and Passes shall be improved before the bridging of nullahs in the plains is attempted, and bridges and drains shall take precedence of the complete formation of the road across country, which is passable in fine weather.

Regarding the disposal of half a lakh, the remainder of the Hyderabad grant, the Resident has been informed of the recommendations of the Bombay Government as to the best measures to be undertaken in reference to the communication with that Presidency.

The quarter lakh granted to Captain Fraser is for the preparation of materials for the Lighthouse on Double Island.



SUPPLEMENT TO The Calcutta Gazette.

SATURDAY, FEBRUARY 22, 1862.

OFFICIAL PAPERS.

A SUPPLEMENT to the GAZETTE will henceforward be published, weekly or twice a week, according to circumstances, containing such Official Papers and Information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.

Non-Subscribers to the GAZETTE may receive the SUPPLEMENT separately, on a payment of six Rupees per annum if delivered in Calcutta, or twelve Rupees if sent by Post.

No Official Orders or Notifications, the publication of which in the GAZETTE is required by Law, or which it has been customary to publish in the GAZETTE, will be included in the SUPPLEMENT. For such Orders and Notifications the body of the GAZETTE must be looked to as heretofore.

Government of India.

Abstract of the Proceedings of the Council of the Governor General of India assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament 24 and 25 Vic., c. 67.

The Council met at Government House on Wednesday, the 19th February 1862.

PRESENT :

His Excellency the Viceroy and Governor General of India, *presiding*.
His Honor the Lieutenant-Governor of Bengal.
His Highness the Maharajah of Puttiala, K. S. I.
The Hon'ble Sir H. B. E. Frere, K. C. B.
Major-General the Hon'ble Sir R. Napier, K. C. B.
The Hon'ble S. Laing.
The Hon'ble W. Ritchie.
The Hon'ble H. B. Harington.
The Hon'ble H. Forbes.
The Hon'ble C. J. Erskine.
The Hon'ble W. S. Fitzwilliam.
The Hon'ble D. Cowie.
The Hon'ble-Rajah Deo Narain Singh Bahadoor.
The Hon'ble Rajah Dinkar Rao Rugonauth Bahadoor.

The Hon'ble MR. ERSKINE presented the Report of the Select Committee on the Bill to amend the law relating to the use of a Government Seal.

His Excellency the President postponed the introduction of the Bill to authorize the punishment of whipping in certain cases in consequence of the absence of the Mover.

The Hon'ble MR. RITCHIE introduced the Bill to provide for the payment at the Banks of

Bengal, Madras, and Bombay, respectively, of moneys payable at the General Treasuries of Calcutta, Madras, and Bombay, and moved that it be referred to a Select Committee. He said that, as the business of the Treasuries would be taken over from the 1st of March, he would propose that the Committee be instructed to report before that date.

The motion was put and agreed to.

The Hon'ble MR. RITCHIE moved for leave to bring in a Bill to amend the Code of Criminal Procedure. He stated that the object of this Bill was to enable the Government, when it extended the Code of Criminal Procedure to Non-Regulation Provinces, to accompany it by some special Provisions. After the Code of Civil Procedure was passed the Government was authorized (by Act IV. of 1860), in extending it to a Non-Regulation Province, to declare any restrictions, limitations, or provisos it might think necessary. It was not intended to give the same power in respect of the Criminal Procedure which embodied very much of substantive Criminal Law. But it was necessary to authorize the Government to adapt the Code to the existing state of things in Non-Regulation Provinces so far as the machinery for putting it in force was concerned. The alterations proposed would be of five descriptions; *1st*, in regard to the Courts by which offences might be tried and sentences passed; *2ndly*, with regard to preliminary enquiries by the Police, but the Government would be restricted from enlarging the powers given by the Code; *3rdly*, with regard to the number of the Judges necessary to pass a sentence of death or penal servitude; *4thly*, with respect to the power of revision by the several Criminal Courts over the Subordinate Courts; and *5thly*, in regard to the confirmation of sentences of death by the Chief Commissioners.

The motion was put and agreed to.

The following Committee was named on the Bill to provide for the payment at the Banks of Bengal, Madras, and Bombay, respectively, of moneys payable at the General Treasuries of Calcutta, Madras, and Bombay—the Hon'ble Messrs. Laing, Ritchie, Fitzwilliam, and Cowie, and the Rajah Deo Narain Singh.

The Council adjourned till Wednesday, the 26th instant, at 11 A. M.

M. WYLIE,

Depy. Secy. to the Govt. of India,

Home Department.

CALCUTTA,
The 19th February 1862. }

Government of Bengal.

**Papers relative to a proposal to establish
Government Cotton Factories in the
Hill Tracts of Chittagong.**

From E. H. LUSHINGTON, Esq., Secretary to the Government of Bengal, to the Secretary to the Government of India, Home Department,—(dated the 10th December 1861.)

SIR,—I AM directed to forward, for the perusal of His Excellency the Governor General in Council, the accompanying copy of a letter* from the

* No. 762, dated 1st ultimo, (one enclosure.)

Board of Revenue, submitting a Report from the Officiating Commissioner of Chittagong relative to the Lieutenant-

Governor's† proposal to establish Government Cotton Factories in the Hill Tracts of that District.

2. The Lieutenant-Governor desires me to observe that these papers shew the remarkable fact of a great decrease of the cultivation of Cotton in the Chittagong Hills, or at least of its transmission from those Hills to the port and market, of late years, though the price obtainable for it has largely increased. Doubtless the prices of all agricultural produce have largely increased at Chittagong as elsewhere within the same period; but the present price of Cotton reported, *viz.*, Rupees 17, and that reported by Mr. Ricketts in 1848, *viz.*, Rupees 10 a maund for cleaned Cotton, amounts to 70 per cent.; and it is not probable that prices generally at Chittagong have increased more than that.

3. The method of cultivation in these Hills, described by Mr. Buckland, sufficiently explains the inferiority of the Cotton produced. There is no reason to doubt that good cultivation would greatly improve the quality of the Chittagong Hill Cotton, as Mr. P. Saunders argues in his interesting letter of the 12th July last, a copy of which is herewith submitted. Such a style of cultivation as Mr. Buckland describes very plainly requires to be improved by external Agency. The remarks of the Government of India on this head, in reply to the Agents of the Manchester Cotton Supply Association (paragraph 8 of letter‡ dated 2nd July 1861), are doubtless applicable to the great Cotton Districts of India; but the remarks made in Mr. P. Saunders' letter are even more certainly applicable to the Chittagong Hills.

† See Supplement No. 45, dated July 6th, 1861.

‡ See Supplement No. 44, dated July 3rd, 1861.

4. In attempting to introduce improved cultivation, it would, no doubt, be desirable to try foreign seeds of several good varieties experimentally, and to be guided by the results of the several experiments in future practice. But the Lieutenant-Governor is of opinion that caution and moderation should be exercised in regard to foreign varieties of Cotton; and that it should be impressed upon all concerned, in any attempt to improve the system of cultivation, that, until they can found upon actual experiment successfully conducted, their reliance should be on the most careful possible cultivation of the best sort of Cotton already established as a good local crop. When a novelty is avowedly tried, on a small scale, as a mere experiment, no harm is done when it fails, as it is always likely to do. But harm is done, and the spirit of improvement is checked, when cultivators are induced to rely absolutely on some novelty, which fails, as in the case of the failure of the Cotton seed mentioned by the Commissioner of Chittagong, which is but one of a thousand similar failures. The Lieutenant-Governor makes this remark because he thinks there is a general tendency amongst persons interested in improving the cultivation of Cotton in India to think that all depends on introducing some foreign variety of seed which produces the best quality of Cotton, and is highly approved in some other part of the world. The practical commercial object is not to produce the best possible quality of Cotton, for such Cotton, if produced, may not be a good crop to grow. The object is to produce the most profitable crop of Cotton possible, and it is only as a means to that end that improvement of quality can be permanent when attained.

5. The Lieutenant-Governor does not think that Mr. Buckland's objection to the original scheme of establishing Factories for buying, cleaning, and screwing Cotton in the Chittagong Hills, founded on the small quantity of Cotton now produced in these Hills, is very valid, because the very object of the scheme is to encourage and increase the growth of Cotton there, and there is not the least doubt of the natural capacity of the Hills for a vastly increased growth. Neither does he think that the high price of Cotton in the Chittagong Bazar would necessarily make the experiment too unremunerative, because it is not essential to prepare the Cotton for the English market. An increased production must release for export a somewhat proportionate quantity of exportable Cotton, even if it cannot be exported itself.

6. But the Lieutenant-Governor thinks that the improvement suggested by Mr. P. Saunders, of combining with the Factory a small model Plantation of Cotton, of which both the Commissioner and the Board fully approve, extremely desirable for all the reasons assigned, and begs strongly to support that suggestion.

7. The Lieutenant-Governor is quite sensible that private enterprise would be the best means by which the experiment he has recommended could be tried. But practically, in this instance, private enterprise is out of the question; and to postpone the attempt till it is made by private enterprise would be but one way of saying that the attempt is not to be made. Not only will no private person make the experiment, but no private person or company, in the present state of things, could be, with fairness, encouraged to make the attempt. There will be no immediate profit, and the political considerations which make such a

project of the highest promise to the State are nothing to any particular individual in a commercial point of view.

8. The Lieutenant-Governor therefore recommends the scheme, with the improvement suggested by Mr. P. Saunders, and approved by the Commissioner and the Board. If the Bengal Government is authorized to undertake it, he is of opinion that it will not have justice done it unless a competent person is selected expressly to conduct it.

9. The latest news of the intentions of the Hill Tribes is very favorable. Rutton Poen, having comprehended the lesson taught by the penetration into the recesses of the Hills of the Expeditionary Force of last year, and two other Chiefs have made submission, and negotiations with a more distant tribe are in progress. The time for commencing a civilising experiment, such as the Lieutenant-Governor proposes, is therefore to all appearances propitious.

From H. L. DAMPIER, Esq., Officiating Secretary to the Board of Revenue, to the Secretary to the Government of Bengal,—(dated the 1st November 1861.)

SIR,—I AM directed by the Board of Revenue to forward copy of a Report submitted by the Officiating Commissioner of Chittagong, dated 3rd September last, respecting the Lieutenant-Governor's proposal to establish Government Cotton Factories in the Hill Tracts of that District.

2. It will be observed that there are two facts in connection with the cultivation of Cotton in this District which have been brought to light by the investigations of the Commissioner in communication with the Local Authorities. The first is that the production of Cotton there is confined to the wild and hilly tracts of country which are some distance from the Sudder Station; the second, that the quantity of Cotton grown in these Hill Tracts has decreased very considerably of late years; and that the exports of the uncleaned Cotton, passed through the Custom House during 1861-62, amounted to only 200 maunds. If this Return, and the Returns prepared by Mr. Bamber for the three preceding years, as quoted in paragraph 7 of the Commissioner's Report, approach at all to accuracy, the falling off in the cultivation and export of the article is very remarkable when compared with the results reported by Mr. Ricketts, who was Commissioner of the Division in 1848, when the estimated crop of the District was put down at 75,000 maunds of uncleaned Cotton.

3. The Officiating Commissioner does not appear to entertain any sanguine expectations that the out-turn of the Cotton crop will improve in the present year, or even for two or three succeeding years. The disturbed state of the country, and the liability to inroads from the uncivilised tribes of the border, may not improbably operate to discourage extended cultivation for a time; but there is reason to hope that the indolent habits of the people (which is adduced by Captain Magrath as another reason for expecting small results from this neighbourhood), will, in some measure, give way to an increased demand for the Cotton, which, it appears, European Mercantile Agents at Chittagong are already prepared to encourage if any prospects are held out of profitable Returns.

4. It is proper to notice, however, that, in the absence of a very much more extensive cultivation than at present exists, it is hopeless to expect that the Cotton of this part of the country would secure any position in the English market, for the price of the article at Chittagong is maintained by the very limited produce. In the 8th paragraph Mr. Buckland treats of the price and quality of the product grown in the hill tracts, in regard to which I am desired to observe that the Board are informed that the Rangoon cleaned Cotton, which is of the same kind as that

produced in Chittagong, was selling not long ago in the Bazar at Calcutta for Rupees 13 per maund; and as the Cotton produced in the hilly tracts of the Chittagong District, which is doubtless similar in quality, is worth in the Bazar of Chittagong Rupees 17 per maund, there is, as far as they are aware, no present inducement to send it to Calcutta. It is probable that the indigenous Cotton has been chiefly required for local consumption and very little for exportation; and it is evident that, if the present price is maintained, which is equivalent to more than 5d. per lb. at the place of production, the demand for it in England would only arise when the price of the article there has risen beyond anything that may at present be expected.

5. The method of cultivation which is described by Mr. Buckland in the 11th paragraph of his letter corroborates most completely the account given by Mr. P. Saunders in his letter, to your address, dated 12th July 1861. The Board fully concur with these gentlemen in the opinion that nothing but failure can come of such a system if left unaided to its own resources; and they agree, therefore, with the Commissioner in considering that an experimental Garden or Factory might with advantage be established in some carefully selected place in the Hills, and that a qualified person should be sent to Chittagong before the next rains to superintend the planting of Cotton seed. The instances mentioned by the Officiating Commissioner serve to shew that, if such an experiment is left in the hands of the uninitiated hillmen, who now grow it, it is pretty sure to prove unsuccessful. It would be advisable that seed from other parts of India, where better Cotton is grown, should be used; and experiments tried also with seed of American and Egyptian origin.

6. The capability of the soil for the production of serviceable Cotton seems to be undoubted, and the Board have ascertained that the means of communication between the Cotton producing tracts and the port of Chittagong are excellent. It appears that the Officiating Commissioner will, after his contemplated tour, be in a position to point out eligible sites for the cultivation of Cotton in the hill tracts of Chittagong. The first location, if a Government Factory is finally determined on, would probably be on the Kurnafulee River, or its tributary, the Kassalong. These rivers are navigable throughout the year for boats of three feet draught, and there are numerous minor streams flowing into them, which would be available for the transport of Cotton in boats of a smaller size.

7. I am desired to add that the Kurnafulee River flows close by the Sudder Station, and forms the port of Chittagong, which can be entered by sea-going Ships of a good size without danger or difficulty, except during a couple of months in the year.

8. A copy of Mr. Ricketts' Report, to which reference has been made, accompanies this letter.

From C. T. BUCKLAND, Esq., Officiating Commissioner of the Chittagong Division, to the Secretary to the Board of Revenue,—(dated the 3rd September 1861.)

SIR,—I HAVE now the honor to submit the Report called for in your letter dated 19th July, on the proposition made by the Lieutenant-Governor of Bengal to establish Government Cotton Factories in the Hill Tracts of Chittagong.

2. I have already informed the Board that, on reaching Tipperah, and finding this subject awaiting my Report, I consulted by letter the Collector of Chittagong and the Superintendent of the Hill Tribes, and the substance of the answers given by those Officers will be found hereafter. Since my arrival at Chittagong I have made such further enquiries as have been possible within such a limited time.

3. It must be borne in mind that my observations will apply solely to the Cotton produced in the Hill

Tracts of Chittagong. It may be said that, practically for commercial purposes, there is no Cotton grown in the plains at present, though many of the Natives assert that it was from a superior sort called Nagalea, grown only in the plains, that the finest Dacca Muslins were made. But that is now only a matter of history.

4. There is every reason to believe that the quantity of Cotton grown in the Chittagong Hill Tracts has considerably diminished of late years, and that it is less than ever in the present year.

5. If the Board will refer to the letter No. 403, addressed to them by Mr. Commissioner Ricketts on 26th July 1848, they will find that Mr. Ricketts and the Collector, Mr. Sconce, estimated the Cotton crop grown in the Hills at that time at 75,000 maunds of uncleaned, or 25,000 maunds of cleaned Cotton, which shews a very unfavorable proportion of Seed to Cotton in weight. This uncleaned Cotton was sold by the Hillmen to the Bengalee traders at Rupees 2-8 a maund, and the price of the Cotton when cleaned and exposed for sale at the marts in the plains was from Rupees 9-8 to 10 per maund.

6. I find a further Report submitted by Mr. Commissioner Steer to the Board in his No. 11 of 7th May 1858, in which it was stated that 40,000 acres cultivated in the Hills yielded a Cotton crop worth 1,80,000 Rupees, which, at the prices current in 1848, would give 18,000 maunds of cleaned Cotton. But Mr. Steer, in submitting this Return, observed that much dependence could not be placed on it, an opinion in which I concur on seeing the materials from which it was prepared.

7. From Returns which Mr. Bamber, the Collector of Customs, has prepared for me, it appears that the exports of uncleaned Cotton cleared through the

	Maunds.
1858-59	3,529
1859-60	13,233
1860-61	2,895
1861-62	200

Custom House on Sloops bound chiefly to Narain-gunge were as noted in the margin. It is not possible to say what quantity is taken away in the country

boats called balaams, but I am informed that Cotton is too bulky a cargo for the balaams.

8. Mr. Ward, the Collector and Magistrate of Chittagong, in his Report to Mr. Commissioner Schaleh, expressed his apprehension that this year at least, and probably for the next two or three years, a very vast decrease, rather than increase, must be looked for in the produce of Cotton, as the unsettled state of the country and the fear of Kookie incursions has driven the peaceably disposed settlers from their homes, and prevented a large number of them from cutting and burning the jungle for the "jooms," as the cultivated patches are called. Mr. Ward, in his present Report to me, states that the goladars (or dealers) and others allege that there has been a great decrease in the cultivation of late years. They say that the produce of the District is only about 20,000 maunds of uncleaned Cotton, though Mr. Ward holds this estimate to be too low. The present prices in the Town of Chittagong are 6 Rupees 8 annas for uncleaned Cotton, and Rupees 17 for cleaned Cotton, per maund. Mr. Ward has submitted to me some small samples of the Cotton procurable at these prices, both cleaned and uncleaned. It is not worth while to send it to the Board, for it is identical with some Chittagong Cotton that Mr. Blechynden, the Secretary to the Agricultural and Horticultural Society, shewed me in Calcutta, and which he valued at 3d. a pound. It is clear, therefore, that this Cotton is not of any use commercially.

9. Captain Magrath, the late Superintendent of the Hill Tracts, states, generally, that there is no Cotton now procurable for the purpose of cleaning and screwing, and he adds that the whole of this season's crop if collected would not suffice to fill "a couple of Ships;" he probably means Chittagong Sloops, but he does not say so. He says that there are three reasons which will prevent any increase of Cotton cultivation

for some time, viz., the disturbed state of the country; the lazy and indolent habits of the people; and lastly, their doubts as to there being a demand for the amount that they can produce.

10. The above testimony all concurs to shew that the production of Hill Cotton has decreased, but I think it is waste of time to do further than refer to the test of prices. It is shewn that the uncleaned Cotton is now selling for Rupees 6-8 in the Town of Chittagong, and cleaned Cotton for Rupees 17, a maund. Mr. Sconce gives Rupees 2-8 per maund as the price of uncleaned Cotton in the Hills in 1848, and Rupees 10 as the price of cleaned Cotton in the Town. Yet this Cotton is only worth 3d. a pound for English manufacturing purpose. I should not omit to state that the Collector reports that a Firm under the name of Messrs. Hollingsworth and Mack, who have recently settled in business in Chittagong, intend to buy Cotton for shipment to Calcutta if they find it profitable; but as yet they have bought little or none, and Mr. Hollingsworth has expressed some disappointment at the smallness of the quantity which could be got.

11. The next question is whether an improved sort of Cotton can be grown which will command a remunerative price. The mode in which Cotton is now grown in the Hills has often been described; but, having often visited these jooms or clearings at Chittagong many years ago; and having, within the last few weeks, been in a "joom" in the Hills of Independent Tipperah, I will venture to repeat it. A piece of jungle which has not been touched for ten or twelve years is selected, the trees and bushes are cut down about two months before the rains begin, and when they are dry they are burnt on the ground just before the rains. As soon as the rains begin Cotton, Rice, Melons or Pumpkins, and two or three other things are all sown together. The Rice is the staple crop, and when the seed has come up a casual observer might suppose that there was nothing but Rice. The Cotton produced under these circumstances has but a poor chance, and is a short stapled rough sort very adhesive to the seed, and therefore of small value.

12. I am not aware that any experiments have been made to try if this local Cotton can be improved by cultivation for its own sake alone, i. e., without admixture with Rice and other vegetables. With regard to the attempts made to introduce improved seed into this District, I remember an experiment made in 1846 with new Orleans seed, in which we failed for two reasons; first, because we sowed too late in the season; second, because we did not burn the ground, so that our plants, as they came up, were attacked by a series of insects and blight which eventually destroyed them.

13. Again, during the present year, there has been an unfortunate failure in an attempt to introduce the seed sent down by Government last year. The seed arrived too late for use in 1860, and was given out in March of this year, by which time it had all gone bad, so that not a plant has come up. This result has been particularly unfortunate, as Captain Magrath gave some of it to the Hill Tribes, and planted some of it himself at Kassalong, and, instead of the usual poor crop produced by their own common seed, there was no crop at all for the people. The same result occurred in the gardens of several gentlemen in the Station of Chittagong who tried it.

14. There now remains the question whether, as a political measure for the conversion of the Hill Tribes to more civilized and peaceful habits, it is expedient for the Government to establish a Factory for the purpose of buying, cleaning, and screwing Cotton. Taking that proposal in its strict terms, and with reference to what has been stated above as to the amount of Cotton now produced, it would be a failure, as there is scarcely any Cotton to be bought, and the price is too high to be remunerative to Government. If, on the other hand, the proposal is varied, so as to include the improved cultivation of Cotton in the

Hills, I think that, politically, it is desirable to establish

* I would suggest that a Cotton Plantation of 100 or 200 acres be attached to the Government Factory, that it be planted with Egyptian or New Orleans seed and cultivated after the most approved method.

12th July, to your address. But it seems to me to be more than ever necessary to teach the Hill people an improved mode of cultivation at the expense of Government, in consequence of the discouragement which they received this year from using the seed supposed to be of a superior sort, and given to them by an Officer of Government, but which turned out to be utterly worthless.

15. It appears to be the general opinion that the production of Cotton in the present and past years has been greatly diminished in consequence of the disturbed state of the Hills. It is of the utmost importance to put an end to these disturbances, and if the Government are satisfied that it is not necessary to send any further retributive expeditions into the Hills, I am of opinion that there can be no more certain mode of civilizing and tranquillizing the Hill Tribes than by the diffusion of Government money

among them under the color of introducing an improved cultivation of Cotton by Government agency. Without the example of Government, I fear that there is no hope of any improvement in the cultivation of the indigenous seed, or of the introduction of any foreign seed. On the other hand, the Cotton as now produced is of no commercial value, and it is not probable that the Hillmen will be induced to cultivate it separately, *i. e.*, without an admixture of Rice, &c., unless the Government leads the way and shews that the risk is a safe one.

16. I presume that I need not attempt to say any thing at present on the detail of the Factory to be established by Government. I hope to go up to Kassalong with Captain Graham in a few days as soon as the repairs of the Gun-boat are completed, and I can then see about the site. I believe that by well directed efforts this cold-weather things may be brought into train for the cultivation of Cotton at the commencement of the next rains, before which nothing effectual can be done, as it is too late now to prepare any ground this year. There will, therefore, also be time for the Government to send Mr. Paterson Saunders, or any other experienced person, to judge for himself if they think it necessary.

From H. RICKETTS, Esq., Commissioner of the Chittagong Division, to the Secretary to the Sadder Board of Revenue, Lower Provinces, — (dated the 26th July 1848.)

SIR,—I HAVE the honor to forward the information called for by your Circular letter of the 21st February.

	Chittagong.	Bullooah.	Tipperah.
1st Question.—What is the price of Cotton freed from seed at the principal mart or marts in your District?	Rupees 9-8 to 10 per maund of 80 tolahs.	Cotton is not sold in this District.	Rupees 8 to 10 per maund at 82 tolahs to the seer.
2nd Question.—At what price does the Ryot sell his Cotton, cleaned or uncleaned, and with or without advance?	It is grown only in the Hill Country on the Frontier. The Ryots sell their produce uncleaned at Rupees 2-8 per maund.	Hardly any is raised. The Ryot sells his produce uncleaned at Rupees 3. If he receives advances, at Rupees 2-8 per maund.	Rupees 1-8 to 2-8 of Hill Cotton; none grown for sale in the plains.
3rd Question.—What is the expense of cleaning Cotton by the Churka or Foot-roller, or by any other method that may be in use?	Cotton is cleaned by the Churka by women. It is not easy to state the exact cost. A maund of cleaned Cotton is produced from 3 maunds of uncleaned; 3 maunds of uncleaned cost Rupees 7-8, a maund of cleaned Rupees 9-8. The difference, Rupees 2, covers the expense of cleaning and the profit of the middle man.	It is cleaned by the Churka at 1 Rupee per maund.	No answer.
4th Question.—What are the expenses of conveying Cotton to the nearest coast for shipment?	Cotton is conveyed from Chittagong to Calcutta at 5 annas per maund. To Naraingunge, the great mart near Dacca, for 4 annas per maund.	From Noacolly to Calcutta at Rupees 12 per 100 maunds, or 1 anna 11 pie per maund.	No answer.
5th Question.—What is the average produce of Cotton per beegah or acre?	About 34 seers per Bengal beegah (<i>i. e.</i> , 14,400 square feet), but it is grown in the Hills only and there intermixed with other things.	About 20 seers per Bengal beegah.	No answer.
6th Question.—What is the quantity of land under cultivation with Cotton, and to what extent is it entirely discontinued. The crop probably that the cultivation could be carried in the event of an increased demand?	Unknown. It is grown in the Hills only. Formerly a good deal was grown in the plains, now entirely discontinued. The crop grown in the Hills may be estimated at 75,000 maunds of seed Cotton, or 25,000 maunds of cleaned Cotton.	There is hardly any Cotton cultivated in the District. The lands are for the most part low and salt.	Very little produced, and that not for sale. The letter of the Tipperah Collector is very incomplete; but there being little, if any, Cotton grown, it did not seem worth while to call for further Returns.

2. The Collector's letters are submitted, Mr. Seonce's as far as paragraph 11. In the remainder of his letter he has introduced a discussion respecting the assessment of the Hill country, which will be taken up separately.

3. The 25,000 maunds of cleaned Cotton are produced in the Hills of the Chittagong District, and there is a very extensive tract of wooded country throughout, which, if cleared Cotton might be grown, there is no reasonable prospect of considerably increasing the cultivation.

4. This Hill Cotton is grown by thinly scattered wandering tribes, who, having burned the jungle in favorable spots, sow, in holes dug with a spade, Cotton, Rice, Melons, &c. After two or three years the soil being exhausted they migrate to another place, of course the land would continue productive if wood ashes and other suitable manure were supplied, but they prefer a change. They keep no cattle of late years; the cultivation is supposed to have decreased considerably, many families having gone to the Hills of Arracan. I cannot see the remotest prospect of increasing this 25,000 maunds to 50,000 maunds by any conceivable measures, I will not therefore speculate on the possible advantages of fostering the Hill cultivation.

5. As reported by Mr. Seonce a good deal of Cotton was in former times grown in the plains of Chittagong, and there are many thousands of acres in Tipperah fit for Cotton; but, without the price procurable, shall greatly increase the introduction of Cotton cultivation in these parts is quite hopeless.

6. A beegah of Cotton is estimated by Mr. Seonce to produce two maunds of uncleaned Cotton, which will sell for 5 Rupees. The cultivation is more expensive than Rice, the produce more precarious, the Returns about equal, while Chillies, Hemp, Kesaree, Mustard Seed, Sugarcane, all are more remunerating than Cotton at existing prices. Chillies and Hemp yield to the cultivator 100 per cent. more than Cotton when selling uncleaned at Rupees 2-8 per maund.

7. Under these circumstances no such measures as reduction of assessment can avail any thing. Were the whole land revenue of Chittagong abandoned, I do not believe it would increase the Cotton cultivation by an acre, the Ryots would still grow their red Pepper and Hemp.

8. The introduction of a plant which in an Indian soil will produce say even 300 lbs. per acre of clean Cotton, or such decrease in the expense of cleaning, packing, and transport as shall allow of a considerably increased payment to the producer, or a great reduction in the value of other produce, may bring back the plant to the open country and good soils of Tipperah and Chittagong; but with a market rate of Rupees 2-8 per maund of uncleaned Cotton, and a produce of 1½ maunds per beegah, other sorts of produce will not be abandoned for the sake of Cotton in this part of Bengal.

From P. SAUNDERS, Esq., SENIOR, Commissioner to report upon the cultivation of Cotton, to E.H. LUSHINGTON, Esq., Secretary to the Government of Bengal, (dated Calcutta, the 12th July 1861.)

SIR, — I HAVE the honor to submit, for the consideration of His Honor the Lieutenant-Governor of Bengal, the following communication on the subject of growing Cotton in India, suggested to me by a perusal of His Excellency the Viceroy and Governor General in Council's reply to Mr. Haywood, the Secretary of the Cotton Supply Association, and the subsequent official correspondence of His Honor the Lieutenant-Governor regarding the establishment of Governmen-

Factories in the Chittagong Hills, for buying cleaning, and screwing Hill Cotton.

2. I would respectfully premise that if, in making this communication, I am stepping in any way out of my province, the deep interest I take in the successful cultivation of Cotton in India will be my apology for so doing.

3. In the 8th paragraph of His Excellency the Viceroy and Governor General in Council's letter the Cotton Association is reminded that the general testimony of all the best qualified observers, American as well as English, goes to prove that, in the details of cultivation, the Native of India has little or nothing to learn from the agriculturists of other quarters of the globe, and that it is only in the gathering, cleaning, and transport of Cotton, and not in its cultivation, that much improvement can be expected.

4. On this statement I have respectfully to remark that, however correct it may be with regard to agricultural produce generally, it is not so, as far as my experience goes, with regard to the cultivation of Cotton; and as the adoption of this statement, and its application to future enterprise in Cotton, Governmental or Private, would be attended with injurious consequences, I shall proceed to shew in what respects it is not correct.

5. No product of the soil with which I am acquainted derives greater benefit, both in quantity and quality, from good cultivation than Cotton, and none is more injured in both respects by slovenly and bad cultivation.

6. The Americans, who have studied for many years the cultivation of Cotton, and have compiled volumes on the subject, plant their Cotton in lines four feet apart, and each shrub a foot and a half to two feet distant from each other. In this manner the Cotton tree monopolises the nourishment of a good space of ground around it, while from the breadth of the lines there is a free ventilation of air, and the leaves absorb the atmospheric gases that are necessary to the vigorous growth of the tree, and the production of a large healthy pod.

7. The Natives of these Provinces sow their Cotton broadcast frequently with other crops, and thus the Cotton trees are crowded together, oppressed by other crops, have but a small share of the nourishment of the soil, and are nearly altogether deprived of the ventilation of air. The result is that the tree is stunted, the pods are small and few, the fibre of the wool is exceedingly weak, and the staple shorter than it otherwise would be. The Kookies in the Hills sow their Cotton also with heavy crops of sweet Rice, Kookie Potatoes, &c., and the result is the same.

8. To continue such a method of cultivation without an endeavor to improve it, and to teach the Natives how to improve it, would, in my opinion, be fatal to the successful cultivation of Cotton on this side of India.

9. His Honor the Lieutenant-Governor, in proposing the establishment of Government Factories in the Chittagong Hills, has very pertinently and happily alluded to the successful introduction of Tea planting and its manufacture into this country through the action of Government; but to make the parallel complete, the people must be taught to cultivate Cotton as they were taught to cultivate Tea.

10. I would therefore venture to suggest that a Cotton Plantation of one or two hundred acres be attached to the Government Factory, that it be planted with Egyptian or New Orleans seed, and cultivated after the most approved method.

11. The difference in the value of Cotton cultivated as the Americans do, and as the Natives do, is from 30 to 40 per cent., while the increase in quantity is as four to one.

12. All the care that we can bestow on the gathering, cleaning, &c., of Cotton will not add one grain of strength to its fibre, or one line to the length of its staple. Good cultivation increases both.

13. By attaching a Plantation to the Government Factory, the Native growers who brought their Cotton for sale would have an opportunity of seeing the superior method of cultivation, and learning the higher value of the Cotton and the increase of produce.

14. As in the case of Tea, when Government largely distributed seed and seedlings, so also could good Seed be distributed to the Natives.

15. The same Establishment required for the superintendence of the Factories would, I imagine, suffice for the superintendence of the Plantation.

16. On the above principle a Company is about to be formed to cultivate and purchase Cotton on the Banks of the Gogra in Oude, and as the gentlemen of Lancashire have been *specially* invited to take shares; and as there can be no doubt that they will readily and gladly seize upon the opportunity thus afforded them of promoting the cultivation of Cotton in India, there is every prospect of the Company being soon established and commencing its operations.

P. S.—I have spoken of my experience as to the relative value of good and badly cultivated Cotton, and I think it will not be out of place if I give one example of it.

In the year 1828 I was deputed to purchase Cotton in the Province of Magdalena—Republic of New Granada—and I purchased many ship loads. I dealt alone with the great hacendados or landowners, and purchased Cotton of two qualities, but all grown from the same seed.

The first was sown by the Indians mixed with Indian Corn, and sometimes broadcast in the forest was collected by them and sold in the seed state to the hacendados, who ginned, cleaned, and packed it. For this Cotton I paid on an average six dollars the quintal, or 100 lbs. weight.

The second was sown and cultivated with care by the hacendados themselves, and for it I paid on an average eight dollars the quintal. The first realized in Liverpool about 4*d*. a lb., the second realized about 5½*d*. a lb. The difference of such prices, when we come to deal with millions of lbs., amounts to that which will either make or mar a great commerce.

From W. GREY, Esq., Secretary to the Government of India, Home Department, to E. H. LUSHINGTON, Esq., Secretary to the Government of Bengal,—(dated the 24th January 1862.)

SIR,—HAVING laid before the Governor General in Council your letter dated the 10th ultimo, I am directed to inform you that His Excellency in Council is not favorable to the proposal to establish a Government Cotton Farm and Factory in the Chittagong Hills.

2. The Governor General in Council does not think it necessary to enter into the question discussed by Mr. Saunders in the letter referred to in the 3rd paragraph of your communication, whether the cultivators of Cotton in India generally have, or have not, yet to learn the most beneficial modes of cultivation. Were it as fully established, as Mr. Saunders believes it to be, that the Natives of India require to be taught how to cultivate Cotton, this would not, in the opinion of His Excellency in Council, form any argument in favor of the establishment of an experimental Cotton Farm by Government, as suggested by that gentleman. Experience has shewn that the experimental cultivation of Cotton by the Government, even though under the management of a "competent person selected expressly to conduct it," is sure to fail as a means of inducing the

Natives to improve their mode of cultivation and the quality of their produce. The reason of this is plain. The Natives will not change their accustomed habits of cultivation unless they have before them the example of some one cultivating Cotton on a different principle *and deriving a profit from it*. They know perfectly well that a Government experimental Farm does not and cannot pay as a commercial speculation, and the example therefore affords them no encouragement.

3. The Lieutenant-Governor admits, and it cannot be doubted, that "private enterprise would be the best means by which the experiment he has recommended could be tried;" but His Honor apprehends that no one in the present state of affairs in the Chittagong Hills is likely to attempt it. The Governor General in Council observes, however, that, in paragraph 9 of your letter, the present feeling of the Hill Tribes is represented to be very favorable; and it appears, as stated by the Board of Revenue, that there are Europeans now at Chittagong ready to encourage the production of Cotton in the way in which encouragement can be most effectually given, *viz.*, by purchasing it if there should be any prospect of 'profitable returns.'

4. It is stated by Mr. Saunders, in the letter above referred to, that a Company is about to be formed both to cultivate and to purchase Cotton on the banks of the Gogra in Oude, and there is no reason why the same should not be done at Chittagong if the prospects of Cotton cultivation there hold out a reasonable hope of profit. Chittagong is much nearer to the Sea than Oude, and its soil and climate are at least as well adapted to the production of the best kinds of Cotton as those of the Upper Provinces.

5. The Governor General in Council hardly supposes that the mere establishment of a Government Cotton Farm in the Chittagong Hills would have any good effect, politically speaking, upon the Hill Tribes; and, upon a full consideration of the subject, he remains of opinion that the establishment of such Farms, as well as of Factories, for cleaning and screwing Cotton, at Chittagong or elsewhere, should be undertaken by private enterprise, aided by such facilities as the Government can furnish in the way of grants of land, police, roads, and other legitimate measures of assistance.

Bengal Government.

Additional Budget Allotment for Cotton Roads.

Extract from the Proceedings of the Lieutenant-Governor of Bengal, in the Public Works Department, dated the 11th February 1862.

READ again Circular from the Secretary to the Government of India, in the Public Works Department, No. 90, dated the 9th October 1861, granting an assignment of one and a half lakhs of Rupees to the Government of Bengal in addition to the Budget allotment for the year 1861-62, for the purpose of creating facilities for the export trade of the country, and especially for the export Cotton trade.

* * * *

The following Districts have been selected for improvement by means of the extra allotment of funds abovementioned :—

- (I.) "The Districts of Raepore and Sumbulpore in connection with the sea-board of Orissa."
- (II.) "The north-western portion of the Chota Nagpore Territory in connection with the Grand Trunk Road."
- (III.) "The Garrow country in Assam in connection with the Berhampooter."
- (IV.) "The Cart Road from Darjeeling to the foot of the Hills in connection with the Ganges and Railway."
- (V.) "Roads in Cachar."
- (VI.) The Chittagong and Dacca Road.

The allotment of the 1½ lakhs of Rupees has been made in the following sums, as much having been given to each of the more important objects as it was thought could be well spent upon it within the year :—

I. Cuttack	...	Rupees 50,000
II. Chota Nagpore	...	" 30,000
III. Assam	...	" 10,000
IV. Darjeeling	...	" 40,000
V. Cachar	...	" 8,000
VI. Chittagong	...	" 12,000
Total Rupees	...	1,50,000

Sumbulpore, the Tributary Mehals of Orissa, and the portion of the Nagpore Province which adjoins Sumbulpore* have extensive tracts where Cotton is, or can be grown in large quantities for exportation; but Cotton cannot be exported therefrom to any great extent until means are afforded for facilitating its carriage to the sea.

The navigation of the Mahanuddy is probably capable of material improvement; but the Lieutenant-Governor was of opinion that it would be better, for the present, to improve the land communications in Orissa leading to the sea, than to engage in an indefinite, tedious, and costly scheme, of opening up the navigation of the Mahanuddy River, with the small funds at command. Mr. Armstrong, the Superintending Engineer of the Cuttack Circle, was accordingly directed to submit a project for making roads in connection with the Cotton growing tracts, so as to place them in more easy communication with the coast; both by river, as far as a small outlay might enable him to improve the river navigation, and by roads. The Superintending Engineer's scheme is a very well considered one, and has been adopted by the Lieutenant-Governor.

The project involves the expenditure of about 1,06,000 Rupees, of which nearly one-half will be expended in the current year 1861-62.

	Rupees.
1. Cuttack to Sumbulpore via Sonepore	47,200
2. Binka to Sohela	9,500
3. Sumbulpore to Chunderpore	16,000
4. Raepore Road, west of Sumbulpore	20,000
Several minor works	4,800
Total Rupees	1,06,500

The river improvements involve the removal of some rocky obstructions in the river bed above Cuttack, and in the construction of a tow-path for the lower portion of twenty-five miles from Taldundah to the sea at the newly constituted Port of False Point; a part of the river which is navigable for boats at all seasons of the

year. For the roads Mr. Armstrong has projected the construction of a road from Sumbulpore to Sonepore, a mart of some importance at the bend of the Mahanuddy, whence a good hill road on the Madras side runs towards the coast of Ganjam. This road, from Sumbulpore to Sonepore, will run for the first portion on the left bank of the Mahanuddy, which it crosses at Binka, where there is a convenient ford; and then will run along the right bank to the great east and west bend of the river. From Sonepore the road is to be continued to Cuttack; and from Cuttack the road to Taldundah is now under construction, having been last year opened out as a track.

From Taldundah the navigation to False Point Harbour at the mouth of the Mahanuddy presents no difficulties.

The old Nagpore road from Sumbulpore to the Jonk River, which river forms the boundary of Bengal, serves as a trunk line for the Cotton trade in the portion of the Nagpore Territory through which it runs, and this trunk line is to be improved. Sohela is the point on this road of most importance, and the Superintending Engineer is going to drive a straight road from that place to Binka on the Mahanuddy, thereby shortening the route for Cotton coming from the westward by about thirty miles.

Mr. Armstrong is also desirous, if it should be practicable, of forming a road from Chunderpore on the upper reach of the Mahanuddy, which is rocky and very dangerous, to Sumbulpore, and by and bye this upper point will probably be connected with Sohela, thus completing the series of roads. The entire scheme thus sketched out has had the Lieutenant-Governor's full approval.

II. CHOTA NAGPORE.—In the Supplement to the *Government Gazette* of the 29th* June last will be found the substance of a Report by the Commissioner of Chota Nagpore regarding the Cotton grown in his Division, and the lines of road required for the exportation of this produce, and the consequent extension of the cultivation. Major Dalton has written a further Report, a printed copy of which accompanies, with reference to which the sum of 10,000 Rupees has been placed at his disposal, in addition to 20,000 Rupees advanced to the Public Works Department, for expenditure within this year.

	Rupees.	
Earth-work twenty-four feet wide, with slopes of 3 to 1 turfed, at Rupees 750 per mile	28,250	the main line through Palamow from Oontaree near the Soane River, with branches to the Grand Trunk Road at Shergotty and at Chouparun.
Clearing jungle	630	Two outlets will thus be given for the Districts of Sirgeojah and Palamow, terminating on the Grand Trunk
Thirty-eight masonry bridges and drains	11,416	
Masonry causeway across the Heeroo River	2,411	
Two Inspection Bungalows on Standard Plan	3,500	
Total	41,207	
Add 15 per cent. for Establishment	6,180	
Total Rupees	47,387	

Road with a base of thirty-five miles between them; the westernmost being in a direct line to Gya and Patna, and the easternmost running through the high lands of Ramghur, where Cotton cultivation has been successfully introduced. The Lieutenant-Governor has sanctioned an expenditure of Rupees 47,387 on the construction of the Chouparun and Chuttra Road as per margin. At least one-half of

the work will be carried out during the present year, and this section will be made a complete road by the Public Works Department. The improvement of the road through Palamow will be carried out by the Commissioner assisted by the Executive Engineer; the road will pass through Gurwah, the largest market-town in Palamow, through Shahpore, the new Station, and Leslygunge, the old Station; and it will pass out of Palamow by the Munatoo Ghaut into Behar, and so run on to Sherghotty.

The eastern branch of this road will pass to Chuttra through Baloomat, in Pergunnah Tooree.

III. ASSAM.—The Commissioner of Assam in a recent communication had strongly recommended the construction of two roads in the Garrow country, one from Gawalparah round the foot of the hills to Kurreebaree, and thence to the boundaries of Sylhet; and the other right across the Garrow Hills. To these roads the Commissioner justly attaches much importance politically; and he states that they will further serve to bring Cotton into the market from the Garrow country, which, he reports, is admirably adapted to the growth of Cotton of the best description. The Lieutenant-Governor has placed Rupees (10,000) ten thousand at Major Hopkinson's disposal for expenditure during the year on the road from Gawalparah to Kurreebaree opposite Dewangunge. This road will become one of great importance when it is connected with the Eastern Bengal Railway, as it will then form the most direct route into Assam. A competent local Supervisor has been sent up from

Calcutta to carry out the above work under Major Hopkinson's superintendence, and to make a rough survey of the direction which the proposed road should take through the Garrow country.

IV. DARJEELING.—The importance, political and commercial, which attaches to the completion of the cart road from the plains to Darjeeling need not be enlarged upon here. The Lieutenant-Governor has sanctioned Rupees 40,000 from the assignment of 1½ lakhs towards this work. When completed next year, there will be an excellent cart or carriage road from the Ganges to Darjeeling Bazar. The rise of about 7,000 feet from the plains to the ridge of the Sinchal spur will be at the uniform and easy gradient of 1 in 30 for a distance of about miles.

V. CACHAR.—The District of Cachar, which has become so important from its rapidly extending Tea cultivation, most urgently requires roads; and as a commencement, to enable main lines to be opened out, the Lieutenant-Governor has granted Rupees 8,000 to be expended in surveys, in cutting jungle, and in forming wide tracks, to be made afterwards into good roads, placing this District in communication with Sylhet.

VI. CHITTAGONG.—The small balance of Rupees 12,000 has been appropriated towards the completion of masonry drain bridges on the trunk line of road from Dacca to Chittagong.

J. P. BEADLE, *Lieut.-Col.,*
Offg. Secy. to the Govt. of Bengal,
in the P. W. Dept.



SUPPLEMENT TO The Calcutta Gazette.

WEDNESDAY, FEBRUARY 26, 1862.

OFFICIAL PAPERS.

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Public Works Department.

Establishment of a Sanitarium at Callagouk.

From CAPTAIN A. FRASER, Superintendent, Alguada Reef Light House, to Secretary to Government of India, Public Works Department,—(dated the 26th June 1861.)

I took advantage of the presence here for a short time of Doctor D. Macpherson, Inspector-General of Hospitals, Madras Army, while on tour of inspection, to show him this island and our Sick Returns. He was so much pleased with the beauty of the island, and its eligibility for a Sanitarium, that, after fully exploring it, examining our Medical Officer and his books, and visiting the islands to the south, he has been induced to recommend it as such. He favored me with a copy of his Report on the subject, which I herewith forward, as the matter seems now worthy of consideration by the Government of India.

Extract from a letter dated 1st September 1860, from CAPTAIN A. FRASER, Superintendent, Alguada Reef Light House, to Secretary to Government of India, Public Works Department.

Paragraph 12.—“There is one other point, however, I wish to lay before the Governor-General in Council for His Excellency's consideration. It has been the habit of the Government to look for healthy positions for its troops in most impracticable situations, where vast expense has to be gone to in making roads, &c., &c., and where, even with all imaginable conveniences of transport, the mere conveyance of troops with their baggage cause a large expenditure to the State, as compared with the cost, if a healthy situation could be found where water carriage could

be available. Why should not the Government leave the beaten track for once as an experiment, and try a watering place as a Sanitarium? I think Callagouk offers all the facilities for such an experiment; on the western side are sandy sea beaches with the whole expanse of the Gulf in front, while on the eastern side there is a fine harbour, five or six miles wide from the main land, protected from the violence of the south-west monsoon. So far as I see at present a Sanitarium could be established here for a thousand men within five or six days' run of Madras or Calcutta, and within a day's run of the principal Stations in Burmah; communication could be kept up by the Station Steamer at Maulmain calling here on her monthly trips to the southward, and by keeping up a Depôt of wood fuel here, it would cost the Government little more to make her go twice a month instead of once, while burning such wood would always tend to clear the island. There is no cold or bracing weather here it is true, but the equality of the climate, the sea bathing, the numerous means of recreation that always present themselves on the sea-shore would more than compensate for the want of this, while the Government would have the men just as available for service at a less expense as if they were put down on the top of the Himalaya Mountains. I of course would not recommend that any thing be done in a hurry, but if the Government thought the plan worth consideration, I would do things, especially clear jungle, with that view, and be careful to register regular thermometrical and other observations, though the practical test that will be afforded by the state of our own health will be the best proof of the salubrity or otherwise of the Island. The health of the community will be in its lowest state, I expect, during the next two months, from temporary causes only; hitherto nothing could be more satisfactory, especially as regards the Europeans. The soil is fertile in the extreme, and gardens would be no difficulty. In fact I think Callagouk would afford the two desiderata of a Sanitarium, pure air and pure sea-water to bathe in, and means of recreation might be added with much greater facility than in the Hills, which would make this island a most pleasing place of residence to the soldier.”

Report by DR. D. MACPHERSON, M. D., Inspector-General of Hospitals, Madras Establishment, on Callagouk or Curlew Island, in the Bay of Bengal, as a Sea Coast Sanitarium.

IN the course of my inspections of the several Stations of the Army during the past three and half years, I have submitted to Government my views of the beneficial effects to the European constitution, in health, and in convalescence from disease, of a residence on elevated mountain ranges, as a prophylactic remedy under peculiar states of the system. I pointed out during the progress of my tour how peculiarly favored the Presidency of Madras is in possessing elevated ranges contiguous to the chief military posts, and I selected certain places on the coast as the most eligible which came under my notice as a place of resort for invalids whose health would appear to derive benefit by a residence there.

2. There are, however, certain disadvantages in all sea coast localities situated on the main land, and possessing no elevation, such as the absence of sea breeze, and the deleterious effects of land wind passing over miasmatic or extensive tracts of low arid plains at certain seasons, which an island is comparatively free from when placed in the midst of the ocean, of moderate dimensions, possessing bays, sandy beaches, and an undulating surface, a good water-supply, and capabilities for draining.

3. The subject of Sanitaria for European troops stationed within the tropics has engaged my special attention for many years, but hitherto I have in vain searched for a locality such as I have now adverted to. There is no place answering the description contiguous to the vast line of coast between Bombay and Calcutta; and in the Straits of Malacca, although the Island of Penang certainly possesses very many advantages, it has its disadvantages also. It has no protected sandy bays, and the low land is so little above the level of the sea, that it is incapable of efficient drainage, hence "the Hill," which is upwards of 2,000 feet high, is the only place of resort for invalids, and it is surrounded by such an extent of forest and low land, that it cannot, strictly speaking, be viewed as a sea coast Sanitarium. It is moreover too distant from our possessions in India to make it a place of general usefulness.

4. During my inspection of the Pegu Province, I learned that European Invalids of all classes, when they require a change, are sent to the coast, and thence transported to Madras at a great cost to the State in money and in loss of service; and no place in India can be worse adapted for sick men than the Depot of Poonamallee, to which these invalids are sent. (*Vide* my Report on that locality.) There are insuperable obstacles to the establishment of mountain Sanitaria within or contiguous to the British Possessions in Burmah, such desirable localities being situated in inaccessible positions, both as regards difficulty of communication and distance from Stations, insalubrity of intervening low country, want of population and supplies *en route*. Our existing well tried Sanitaria in India ought to be the sole place of resort for European invalids, whose constitutions benefit by a residence on elevated localities, and to this end, as regards the Pegu Province, the object of Government should be to improve the communication from the frontier Stations to the sea, and to establish a sea coast sanitarium in a convenient position, for such as are likely to benefit by a residence there.

5. The wonderfully remarkable sanitary condition of all European residents in the interior and on the sea coast of Burmah, the extent of that coast, and the groups of Island, which stud its shores, from Amherst to the Mergui Archipelago, naturally drew my enquiries in that direction. I was thus brought into communication with Captain A. Fraser, of the Bengal Engineers, Superintendent, Alguada Reef Light House, now under construction; an Officer fully acquainted with the sea-board of Burmah. Duty obliging Captain A. Fraser to proceed in the direction of Mergui,

he very obligingly agreed to afford me an opportunity of personally inspecting the line of coast and islands contiguous, and on my solicitation, he cheerfully acceded to co-operate with me in the important field of enquiry which engaged me, thus aiding me with much valuable practical experience in his professional capacity acquired in a career of twenty years in selecting and laying out sites for the Cantonment of Troops, and in the construction of Barracks.

6. *Amherst* was the first place we visited, and in the absence of an island Sanitarium, there is no doubt that it presents the most eligible site on the coast. In form it is a promontory of land, washed on one side by the sea, and on the other by the Maulmain River as it disembogues into the sea. It is well elevated, and possesses an open porous sub-soil beneath a clayey superstratum. But it has the disadvantage of dense jungle and swampy ground to the north-east, and muddy water on the river and sea sides, yet with judicious clearing and draining Amherst would doubtless become a very desirable locality for Invalids.

7. *Callagouk or Curlew Island*.—The *Moscov* contiguous to the mouth of Tavoy River, *Tavoy Island*, half way between Tavoy and Mergui, and *King's Island*, opposite Mergui, have come respectively under our enquiries. Of these the first, which occupies the subject of this Report, is that in every respect the most suitable for a Sanitarium.

8. *Curlew Island*, the Head-Quarters of the Alguada Reef Light House Establishment, is situated on the Gulf of Martaban, five miles from the main land of the Tenasserim Coast, and thirty miles south of Amherst Point; in latitude 15°52', and in longitude 97°42'. It is eight miles long, exclusive of "Cavendish Island," which lies at its extreme south end, and which is half a mile in length. The greatest breadth of the island is about one and a quarter mile, and on its highest part, which is about 500 feet above the sea, are the "remarkable trees," a point for navigators in making the coast.

9. The base of the island is primary rock, the superstratum being a rich mixture of open porous soil composed of sand and vegetable mould. Its formation is very peculiar, the northern and southern portions differing considerably. The northern half on the western side is composed of a long granite ridge, with an average perpendicular drop to the sea varying from 250 to 300 feet. To the east the ground descends to the sea in gentle or abrupt slopes. The opposite side of the Island is broken into alternate or isolated Hills, with level well raised intervening spaces forming three bays; the first Quarry Bay, where the stones are now being prepared for the Alguada Light House, is the deepest at high water; the beach is sandy, but at ebb tide an extensive mud flat, covered in places with Mangrove, is exposed. The somewhat narrowness of the channel between the Island and the main land on this side tending to the accumulation of mud.

10. The southern half of the island differs entirely from the northern, inasmuch as both sides are broken into bays. To the west Retreat Bay, Rocky Bay, Sea Bay, and Fish Bay, are beautiful hard sandy beaches, well protected by high land on each side, and open to the ocean in front, with a fine rolling surface on the beach, and only divided from one another by projecting rocky points, and from the corresponding bays on the eastern side by well raised necks of land sloping east and west, free from all swampy grounds, and ascending north and south to the Hills which divide the bays. The eastern bays look on the distant main land, rising in bold outline on the horizon. These very much resemble the western bays, in fact differ only by the mud uncovering at half tides, the rise and fall at spring tides being twenty-two feet. All the bays on the eastern side are perfectly protected from the south-west monsoon, while during the north-east monsoon, the bay on the western side and the deep water close up to the ridge on the north affords a free

open, and safe place for yachting and boating. The bays on both sides are peculiarly well suited for bathing, the water on the western side especially being always pure and clear, except at spring tides.

11. Ascending from Retreat Bay, the ridge referred to in paragraph 9 is reached. This ridge, and indeed the entire island, is clothed with fine primeval forest, with trees of immense dimensions and height: under their overshadowing branches a well shaded road might with ease be carried along the ridge, having the open ocean on one hand, with the view of the fine contour of the island itself, and the bold coast of the Tenasserim Provinces in the distance beyond, on the other. Here and there this ridge opens out into plateaux, forming beautiful sites for houses, and with the exception of a slight rise about the centre, the road would nearly run on an uniform level for a distance of five miles. The same road might there be extended to the southward, encircling the bay and crossing the intervening points of land, and also to the northern part of the island, where there is a considerable space of garden and cultivable ground. The free percolation of air by means of these roads, judicious clearing for building sites, and the adoption of measures to facilitate the natural drainage one year prior to the occupation of the island for sanitary purposes, are measures of the highest urgency and importance.

12. The island has now been occupied by a large party of workmen since April 1860. Usually the pioneers or first settlers in every locality suffer considerably, especially where no prior arrangements have been made to guard against disease. In the present case a large body of Natives of India, Burmah, and China, European Officers and Subordinates, entered on operations of a harassing nature at the hottest season of the year. Quarry Bay, where they settled, is sanitarily considered by no means the best locality to settle on. But the presence of good stone and the facilities for shipping it to the Reef induced the Superintendent to fix his head-quarters here. I append a Return of the strength of the Establishment, the prevailing diseases, and the mortality from the 3rd April 1860 to the 30th April 1861, from which it will be observed that, every thing considered, the sick and death rate have been unusually small. It must be borne in mind that the party for many months had little or no protection by night or by day, and that their huts occupied unwholesome sites in the midst of felled jungle; yet the Report presents a gratifying immunity from the graver diseases. The fevers were chiefly of an ephemeral nature, the sick list being chiefly kept up by local injuries and their results, diseases not contracted on the island, and cutaneous affections from the want of antiscorbutic articles of diet.

Daily average per cent of prevailing diseases from 30th April 1860 to 30th April 1861.

	May.	June.	July.	August.	September.	October.	November.	December.	January.	February.	March.	April.	Average.
Strength	212	209	205	367	400	433	496	502	480	480	705	710	440
Dysentery	09	307	...	...	...	...	70	36	...	14	...	...	23
Ulcers	07	51	31	41	55	38	26	35	41	21	208	361	378
Fever	08	10	09	10	12	15	34	49	41	41	23	155	217
Other diseases	500	801	613	614	705	801	425	800	830	1074	1120	2223	613

There were nine deaths during the year from diseases contracted on the island, viz:—

- 3 from dysentery in January.
- 3 " fever from exposure; one in July, one in November, and one in January.
- 3 " accidents and other diseases.

No deaths occurred amongst the Europeans.

13. During the ten days of my residence on the island in the months of May and June, the climate was exceedingly agreeable. The nights were cool, and no punkahs were necessary during the day. In fact a refreshing sea breeze was present at all times in every part of the island visited by me during the day, and a blanket was always grateful at night. The average thermometer at this period during the day is 75°, during the hot weather it is 88°, and Captain Fraser speaks in glowing terms of the climate at all seasons as compared with that in Calcutta. Water of an excellent quality is procurable at a depth of fifteen feet, and a perennial spring of sweet water flows through the centre of the island. The rain-fall, Captain Fraser thinks, is under that experienced on the main land opposite.

14. The great advantage of this island is its proximity to Madras and Calcutta, and to the principal Stations in Burmah. The large town of Yea and the village of Lemyne is on the opposite main land, from whence small boats with supplies are constantly arriving, and it is on the direct line of communication between Calcutta and the Ports of Tavoy and Mergui, so that with properly arranged communications, there need be no difficulty in furnishing it with supplies. China Junks bring fruit and other articles to the island, and fish of an excellent quality is procurable at the bays.

15. Besides affording many beautiful localities for private houses, abundance of space is available for 1,000 men on eligible sites; but the planning and laying out of the island so as to turn it to the best advantage, must be placed in the hands of a person well acquainted with its capabilities, and who has an interest in the work. Captain Fraser's other duties constrain him to reside on the island for many months of the year. We have gone together all over it, and by his Report, which accompanies this, it will be observed how fully he concurs with me in its capabilities, and that, with the sanction of Government, he is willing to undertake the superintendence of the preparatory improvements above recommended. No one is better qualified to undertake this important duty than Captain Fraser, for in addition to his practical knowledge as an Engineer, he takes a deep interest in the improvement of the place, with the view to its future occupation. I beg therefore to recommend that Government avail themselves of the opportune residence of this able Officer on the spot, and place a grant of money at his disposal, with full power to expend it to the best of his judgment. Mr. Coomary, the Surgeon in charge, an able and observant medical man, proffers his assistance in keeping careful meteorological observations, or in any other way that Captain Fraser may employ him.

16. As I have already observed, no place has come under my observation within these tropics during a long period of close enquiry, possessing the numerous advantages for a "watering place" or sea coast Sanitarium which this island presents. The equability of its climate, its protected sandy bays and beaches, and its fine sea water, with the whole expanse of the Gulf in front, make it a peculiarly desirable locality for bathing purposes. The numerous means of recreation that always present themselves on the sea shore, its excellent water supply, well raised surface, eligible sites for buildings, and the fertility of its soil, its moderate dimensions, whereby the entire island can with care be kept under satisfactory hygienic control, and the facility of its approach at all seasons, and above all its already proved excellent qualities as a Sanitarium under many disadvantages, especially where structural disease is threatened, mark it as a most promising locality, and demand that Government take an interest in its development. In conclusion, I may state, that no case of sickness or death has occurred amongst a large number of women and children,

families of the working residents, since the first occupation of the Island. The Eye Sketch of the Island accompanies this Report.

From CAPTAIN A. FRASER, Superintendent, in reply to the foregoing,—(dated 24th June 1861.)

Para. 5.—You have explored this island in a more complete way than I myself have ever had time to do before; you have carefully examined into the cases of sickness which have occurred in the Hospital, and I am very glad to see that you come to the conclusion that such disease as we have had does not arise from the unhealthiness of the island, but from the nature of the work and the peculiarity of our position. All places are more or less unhealthy in Burmah, according to my experience, on their first clearance, and I have been obliged to a great extent to place my people with reference to the work they had to do, rather than to their sanitary condition. Had I had more time, I might have placed them better, but the one work I have now in hand is so far advanced, that it would be a pity to move if it can be avoided, and with the advice I have received from you, I have no doubt that next year we shall not suffer so much even from the slight disease which troubled us last season. The state of the Hospital at this very time could scarcely be more satisfactory.

6. Those who come here and go no further than the small space upon which my Establishment is settled, know nothing of the beauties or capabilities of Callagouk, and those who only look at the number of sick without going into the causes of disease, or making themselves acquainted with the constant exposure of all hands both at the Reef and at this island, are apt to think the situation unhealthy; but both the fever and the ulcers, the chief diseases from which we have suffered (the ulcers confined, however, only to the Natives), may be traced to the nature of the work. Men come down here without any better clothing than they are accustomed to, and the constant cool wind which blows here gives them cold and slight fever and ague, while the constant working among sharp stones causes bruises and abrasions of the skin, which, without a good vegetable diet, are apt to turn to ulcers. You are aware that the difficulties about vegetables can be overcome, for I know of no place which affords such facilities for gardening when the ground has been cleared. There would be no fever either were sufficient time allowed for the malaria consequent on the clearance to pass away before men were located here.

7. If the Government saw fit, on your Report, to adopt this as a sea coast sanitarium, I do not see that much expense need be gone to, that is, cash expenditure. I should be most happy to take general charge of the work, and if I were allowed another Assistant, a smart young Infantry Officer, who has passed for the Department, I could well work the thing out according to your views with 200 convicts (who could be kept separate from my own workmen to the south of the island) from Moulmain; these I have no doubt Lieutenant-Colonel Fytche, the Commissioner of the Tenasserim and Martaban Provinces, would willingly give, as it would be so greatly to the general improvement of the Provinces under his control; but in my opinion no large bodies of troops

should be located here till the third year after the clearance of the jungle, though it will be doubtless possible to erect private bungalows at a much earlier date.

8. I have already done a little towards opening up the island; the quantity of wood I require for my steamer enables me to do so; I shall be truly happy if the Government will allow me to do more, as I shall feel that I shall be doing that which will prove a lasting benefit to the European community and soldiery of India.

9. So accessible is Callagouk that, were it properly laid, and well known, I feel sure its pure air and sea bathing, combined with the beautiful scenery, would induce all, whether in Calcutta or Madras, or the chief Towns and Stations in Burmah, to make it their resort for the renovation of health, whether of mind or body.

10. In conclusion, I beg to thank you most sincerely for the trouble you have taken and the advice you have given for the improvement of the sanitary condition of our present settlement, and I have no doubt that by carrying out the measures you have proposed, so far as our means will allow, we shall reap the benefit thereof by improved health next year.

From LIEUTENANT-COLONEL H. YULE, Secretary to the Government of India, Public Works Department, to CAPTAIN A. FRASER, Superintendent, Alaguada Reef Light House,—(dated the 10th February 1862.)

THERE has been unavoidable delay in obtaining the orders of the Governor-General in Council on the subject of your letter dated the 26th June 1861, and its enclosures, *viz.*, the establishment of a Sanitarium at Callagouk.

2. Your proposal is to commence work with a party of 200 convicts, to be obtained from Maulmain, who would be employed in opening up the island, clearing building sites, facilitating the natural drainage of the island, and constructing the roads indicated by Dr. Macpherson. You have expressed your readiness to undertake the general charge of the work, provided you are allowed another Assistant, who has passed for the Department.

3. The Governor-General in Council has perused the papers forwarded by you on the subject, including Dr. Macpherson's Report, and His Excellency considers the proposal to carry out the preliminary works indicated to be a good one, and the experiment worth trying. The immediate occupation of the island after clearance will of course be avoided as you suggest.

4. You are therefore authorized to place yourself in communication with the Local Authorities at Maulmain regarding the supply of convicts, and when definite arrangements are made, an additional Assistant will be sent to you, if still absolutely necessary.

5. A copy of this letter and of the previous correspondence has been sent to the Chief Commissioner of British Burmah.



SUPPLEMENT TO The Calcutta Gazette.

SATURDAY, MARCH 1, 1862.

OFFICIAL PAPERS.

A SUPPLEMENT to the GAZETTE will henceforward be published, weekly or twice a week, according to circumstances, containing such Official Papers and Information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.

Non-Subscribers to the GAZETTE may receive the SUPPLEMENT separately, on a payment of six Rupees per annum if delivered in Calcutta, or twelve Rupees if sent by Post.

No Official Orders or Notifications, the publication of which in the GAZETTE is required by Law, or which it has been customary to publish in the GAZETTE, will be included in the SUPPLEMENT. For such Orders and Notifications the body of the GAZETTE must be looked to as heretofore.

Government of India.

Abstract of the Proceedings of the Council of the Governor General of India assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament 24 and 25 Vic., c. 67.

THE Council met at Government House on Wednesday, the 26th February 1862.

PRESENT :

His Excellency the Viceroy and Governor General of India, *presiding*.

His Honor the Lieutenant-Governor of Bengal.

His Highness the Maharajah of Pattiala, K. S. I.

The Hon'ble Sir H. B. E. Frere, K. C. B.

The Hon'ble Cecil Beadon.

Major-General the Hon'ble Sir R. Napier, K. C. B.

The Hon'ble S. Laing.

The Hon'ble W. Ritchie.

The Hon'ble H. B. Harington.

The Hon'ble H. Forbes.

The Hon'ble C. J. Erskine.

The Hon'ble W. S. Fitzwilliam.

The Hon'ble D. Cowie.

The Hon'ble Rajah Deo Narain Singh Bahadoor.

The Hon'ble Rajah Dinkar Rao Rugonauth Bahadoor.

The Hon'ble MR. ERSKINE moved that the Report of the Select Committee on the Bill to amend the law relating to the use of a Government Seal be taken into consideration, and that the Bill, as proposed to be amended by the Select Committee, be passed.

The Motion was put and agreed to.

The Hon'ble MR. RITCHIE presented the Report of the Select Committee on the Bill for regulating the Bank of Bengal, and moved that the Rules for the conduct of business be suspended; that the

Report be taken into consideration; and that the Bill, as proposed to be amended by the Select Committee, be passed. He stated that the amendments in the Bill had already partly been published in the *Gazette*, and the additional amendments were not of a very important character. The new arrangement with the Bank would take effect on the 1st of March, and for that reason he was desirous that the Rules should be suspended, and the Bill be passed at once.

His Excellency the PRESIDENT declared the Rules to be suspended, and the Motion for the passing of the Bill with the amendments of the Committee was put and agreed to.

The Hon'ble MR. RITCHIE presented the Report of the Select Committee on the Bill to provide for the payment at the General Treasuries of Calcutta, Madras, and Bombay, respectively, of moneys payable at the General Treasuries of Calcutta, Madras, and Bombay, and moved that the Rules for the conduct of business be suspended; that the Report be taken into consideration; and that the Bill, as proposed to be amended by the Select Committee, be passed. He stated that the object of the amendments in this Bill had simply been to make it clear that the Act should have operation only so long as the Agreement to which it referred remained in force. The same necessity existed in this case as in the other for the suspension of the Rules.

His Excellency the PRESIDENT declared the Rules suspended, and the Motion for the passing of the Bill with the amendments of the Committee was put and agreed to.

The Hon'ble MR. HARRINGTON presented the Report of the Select Committee on the Bill to consolidate and amend the law relating to Stamp Duties, and moved that the Bill, as proposed to be amended by the Select Committee, be published in the *Official Gazettes* of the several Presidencies and taken into consideration that day six weeks. He stated that, since the Bill had been published,

very considerable alterations had been made, and the Select Committee had proposed some further very important changes. It was desirable therefore that, before the Bill as it now stood was considered by the Council, the public at large, and particularly the Commercial classes, who would be principally effected by the provisions of the Bill, should have an opportunity of learning their nature and offering their observations on them. If the Bill were re-published for six weeks, there would be still time for it to be brought into operation before the 1st of May.

The Motion was put and agreed to.

The Hon'ble MR. BEADON introduced the Bill to authorize the punishment of whipping in certain cases, and moved that it be referred to a Select Committee.

The Hon'ble MR. HARRINGTON said that the active part he had taken in the preparation of the Bill of last year sufficiently proved that he was not opposed to the principle of the present Bill, and that he could not object to its being referred to a Select Committee. Mr. Cowie had, on a former occasion, stated that, except in the case of juvenile offenders, he was opposed altogether to corporal punishment. But Mr. Cowie's dislike of it probably did not exceed his own. He (Mr. Harrington) assented to the Bill, not because he liked corporal punishment, but because, in the present state of civilization, among three-fourths of the population, and in the present defective state of prison discipline, he was satisfied that corporal punishment was still a necessity in this country. As regarded a great majority of the criminal population, it was a more humane punishment, had more power as a deterrent, and was not more demoralizing than imprisonment. In this opinion he was confirmed by some of the oldest and most experienced Officers, among whom he might mention the present Governor of Bombay, the present Lieutenant-Governor of North-Western Provinces, and the Bombay Sudder Court; and he thought that, when Mr. Cowie read the correspondence which had taken place on the subject of last year's Bill, he would modify his opinion, and come to the conclusion that at present this punishment could not be altogether done away with contrary to the opinion of the Local Authorities. If the case had to be considered solely from the European point of view, he should not be disposed to give his assent to the Bill. At the same time it should be borne in mind that all classes of persons in the Presidency Towns were subject to corporal punishment for certain offences, and that that punishment was provided by the Articles of War for the European and Native Soldiers. Mr. Harrington then adverted to some objections to the form of the Bill, and to the details wherein it differed from the Bill of last year, and noticed particularly the change in the title from flogging to whipping, and the change in the instrument of punishment. But he expressed his willingness to agree to whatever instrument was shewn to be least likely to cause permanent injury or an injury greater than was intended by the Legislature.

The Hon'ble RAJAH DINKAR RAO said that he did not think that corporal punishment ought to be inflicted for all offences. He would confine the punishment to cases of theft committed after a first conviction of the same offence, and even in such cases would inflict the punishment only on the Court being satisfied that the offender looked to theft and imprisonment in jail as a means of

support. In such case he would administer the punishment at the expiration of the imprisonment.

The Hon'ble MR. ERSKINE said that, unwilling as he was to see this punishment inflicted, yet being persuaded that it could not yet be dispensed with throughout all India, he felt himself bound to support the introduction of the Bill.

The Hon'ble MR. COWIE stated that his aversion to corporal punishment, except in the case of juvenile offenders, was based on the belief that it was the duty of the State, in dealing with its criminals, to endeavor to combine reformation with punishment, and on the persuasion that an adult criminal could not be reformed by beating him. It was said that some natures were insensible to every other form of punishment. But this would involve the theory that, if you found a man a brute, you must treat him as one, and this was contrary to all modern systems of dealing with crime. He had carefully studied the Bill, and found his objections strengthened by its details. Several of the gravest offences, such as perjury, forgery, dacoity, and rape, which were severely dealt with by the Penal Code, might, under certain circumstances, expose their perpetrators to a whipping, in addition to the punishment provided by that Code. To such criminals he thought a certain amount of solitary imprisonment with restricted diet should be awarded, together with the hardest labor which their health could sustain, and he thought that a Medical Officer would be better employed in carrying out that system than in inspecting a whipping. He considered that the Penal Code, as it stood, should have a fair trial before any attempt was made to add to or improve it. With respect to the title of the Act, he thought that the word "whipping" was adopted from English Acts which treated of the punishment of juvenile offenders. But he did not see what punishment the term "flogging" properly designated if it were not such a punishment as was provided by this Bill.

The Hon'ble MR. FITZWILLIAM stated that he partly agreed with the supporters of this Bill, inasmuch as he could not object to the punishment of whipping for minor offences, such as assaults, petty larceny, and the like, if the punishment were guarded as was contemplated by the 7th, 8th, and 9th Sections of this Bill. But he objected strongly to the substitution of whipping for the punishments provided for such offences as were enumerated by Mr. Cowie. There were seventeen such offences specified in the Bill, crimes of great magnitude, for which the Penal Code provided very heavy punishments. The Penal Code, he considered, had well provided for those offences, and he was opposed to the introduction of this Bill, which contemplated the addition or the substitution of other punishments.

The Hon'ble MR. FORBES said that he had formerly supported the principle of this Bill, and he saw no reason now to change his opinion. But he had some objection to the details of the Bill which he should reserve for the consideration of the Select Committee. With reference to Mr. Fitzwilliam's objection, it must be remembered that the Penal Code only affixed a minimum of punishment in two cases. The Court was at liberty, in cases not of an aggravated nature, to adjudge a very short period of imprisonment, and this Bill would enable it to substitute whipping for that.

His Honor the **LIEUTENANT-GOVERNOR** said that he was opposed to the principle of this Bill, because he was opposed to flogging as a general punishment. The question, however, was a very large one, and he would not enter into a discussion of it. The Law Commission had expressed their opinion against it, and in that opinion he concurred. It had been said that flogging, for petty offences, would save men from demoralization in jail. But this Bill provided for the infliction of flogging besides imprisonment in jail, and that, he thought, cut away all ground for its support. He could understand why a man should be flogged and let go. But here he might be imprisoned, it might be, for four years and eleven months, besides being flogged. He regarded the measure as a retrograde one, and therefore was compelled to oppose it.

The Hon'ble **MR. RITCHIE** stated that the supporters of the Bill greatly regretted the necessity for this Bill, but they entirely believed that the circumstances of the case fully justified the measure. If they might consult their own feelings, corporal punishment would find no place in their Courts. The opponents of the measure no doubt were supported by very high authority, and by none higher than that of the late Lord Macaulay. But he could not but believe that Lord Macaulay had acted more on English prepossessions than on Indian experience, in declaring at once and altogether against the punishment. He believed, and most Officers of experience, including some of the most humane men in the country, had said, that imprisonment to some classes carried so little dread that whipping was absolutely necessary as a more sharp, summary, and effectual punishment. Without it the jails would be overcrowded by prisoners for long terms of imprisonment, fostering habits of idleness and dependence. The main objections to the punishment were that it was cruel and degrading. But as to the cruelty, the Legislature must control that; and as to the degradation, while he admitted that among the population of cities degradation might be felt, there were large classes of the population elsewhere by whom it was not felt, and on whom at the same time the punishment operated as a deterrent, while it saved them from the contamination of a jail. In some cases, when awarded with imprisonment, the objection of the Lieutenant-Governor seemed to apply. But he thought that, with the classes he had mentioned, the punishment could be amply justified if it saved them even from a part of the imprisonment which they must otherwise undergo. Objections had been taken to the title of the Bill. He thought the title immaterial. But the word "whipping" had been used in all the English Acts since the time of Henry the VIII., and was not confined to the punishment of juvenile offenders. Mr. Fitzwilliam, he thought, had been answered by Mr. Forbes. The Penal Code provided the maximum of punishment except in one or two cases, and it was in the discretion of the Court to reduce the punishment even as low as a single day's imprisonment, so that flogging might be awarded not in lieu of a lengthened imprisonment, but in lieu of a very short one.

The Hon'ble **MR. LAING** said that he saw no objection to the principle of the Bill, and when he found practical men stating, as the result of their experience, that the punishment was necessary, he could not allow abstract rules which were

applied to other countries and other people, to induce him to abolish the punishment here. In England the re-action against flogging had been caused by the extent to which it had been carried in the Army and Navy. The degradation which it involved was felt when self-respect was outraged. But in a country like Egypt, for instance, where men made it a point of honor not to pay taxes unless they could shew marks that payment had been extorted, no such degradation was felt. Even in the highest public schools in England some of the most distinguished men whom the country had produced, had suffered corporal punishment, yet they were not degraded by it, because disgrace was not attached to it in those schools. But in schools where such punishment was not usual, its infliction might entail disgrace. They must, therefore, discard abstract theories, and regard the lessons of experience. The jails could not provide the means for the supervision and reformation of all the criminal population, and it would often be more cruel to shut a man up in jail, associate him with bad companions, turn him out with a bad character, and leave his family destitute while he was imprisoned, than to punish him at once by a flogging.

The Hon'ble **SIR ROBERT NAPIER** said that he could speak on this subject from practical experience, having had charge of 2,000 prisoners; and he believed it was admitted that they were kindly treated. But he was convinced that, in the case of most of them, it would have been better if they had been flogged and discharged. Among the poorer classes in the country, there were some who found a better dwelling and better food in jail, and who were willing to endure restraint rather than labor. Such persons would often court imprisonment in jail. He did not approve of the provision that flogging should be an additional punishment, but on the whole he felt bound to support the Bill.

The Hon'ble **RAJAH DEO NARAIN SINGH** said that the punishment of flogging was abolished by the Regulation II. of 1834, and was subsequently re-introduced, as a punishment for larceny only, under Act III. of 1844. The statement of objects and reasons of this Bill did not show why it was abolished and then re-introduced. If crime was increased since flogging was abolished, let the punishment be restored. But if it were introduced on the supposition that additional punishments would deter men from crime, he might refer, in proof to the contrary, to the condition of Native States, and especially Nepal, where, although adultery and theft were punished with instant death, and slight crimes were visited with severe corporal punishment, crime remained unchecked, and those very offences were still committed. He did not therefore think it advisable that flogging should be added to imprisonment.

The Hon'ble **SIR BATTLE FREERE** said that the Council had to consider the principle of this punishment and the principle contained in the Bill. Flogging was not a better punishment than some others, fine for instance. But they had to do with cases where no fine could be imposed and some kind of corporal suffering must be inflicted. Moral treatment would be preferable where it was practicable. But where it was not, they were compelled to have resort to some species of bodily suffering. This was the answer to Mr. Cowie's objection. They acted under necessity of the case. As to moral treatment, great progress had

been made; and no one was better entitled than the Lieutenant-Governor to speak on this subject, as he had been connected with prison reform almost from the time of his first coming to this country. All men had learned by experience not to go too fast in that matter. The general results of the experiments hitherto made had been good, but there had been some frightful mistakes. He alluded particularly to the system of solitary confinement as once attempted in America. It had proved utterly inefficacious, and in some cases had caused the total loss of reason. One instance of the kind was enough to make them pause. The Government was bent on improvement, but the problem which had not been found easy in England, was beset with peculiar difficulties here. The prisons built in England at the time when the first Report on Prison Discipline was published here, had, in some instances, cost from £500 to 1,000 for each prisoner. The error had been corrected in later prisons, but recourse had been had to some degree of corporal suffering; and he believed that, in this country also, it would be found necessary for some years to inflict it. As to the details he agreed generally with the Lieutenant-Governor and the Rajah Dinkar Rao, and would draw a distinction between offences. In the conviction for the first offence of perjury or forgery, the Court might ultimately find that it was mistaken. In respect of theft and robbery, the punishment should be in substitution of imprisonment. There were many classes for whom this was the mildest punishment and the most humane.

His Highness the MAHARAJAH OF PUTTIALA stated that he agreed in the views of Mr. Beadon on this subject.

The Hon'ble MR. BEADON said that he would not enter at present into the details of the Bill. Nothing but absolute necessity would lead the Government to resort to a measure of this kind. That such a necessity existed might be concluded *a priori* from the condition of a large portion of the population, and from the returns they had received from public Officers. Mr. Cowie had observed that the reformation of prisoners should be attended to in conjunction with their punishment. Undoubtedly this was desirable; but at the present time the primary object must be the prevention of crime, carrying on reformation contemporaneously as far as possible. When imprisonment was resorted to, every effort must be made to render it reformatory. But this Bill would obviate the necessity of imprisonment in many cases. Objection had been taken to the title of the Bill. Mr. Ritchie had truly said that that was immaterial. But the title did distinguish the present Bill from the Bill of last year. Flogging with a rattan was likely to create more permanent injury than the punishment contemplated by this Bill. He could not concur with Mr. Ritchie respecting the opinion of Lord Macaulay, for he gathered from the Report of the Law Commissioners that they considered the punishment of flogging advisable in some cases, and abstained from recommending it because the Government had so recently abolished the punishment by the Regulation II of 1834. He did not gather from that Report that Lord Macaulay was opposed to the punishment under all circumstances.

The Hon'ble MR. RITCHIE stated, in explanation, that he had not referred to the Report of

the Law Commissioners, but to the Note of Lord Macaulay to the Penal Code published in 1837.

The Motion was put and agreed to.

The Hon'ble MR. BRADON introduced the Bill to enable the Government to divest itself of the management of religious endowments, and moved that it be referred to a Select Committee.

The Hon'ble RAJAH DEO NARAIN SING said that, as the proceeds of land set apart in times past for the maintenance of Mahomedan and Hindoo religious edifices had been misapplied and misappropriated to other uses, the Government, under Regulation XIX of 1810 of the Bengal Code, and No 7 of 1817 of the Madras Code, took the management of these funds into its own hands, and had since most honestly and efficiently administered them, thus shewing a strong contrast to the Hindoos and Mahomedans, who, before the dominion of the British, destroyed each others temples whenever they were sufficiently powerful. Government, on the contrary, had administered these funds without evincing the slightest religious prejudice; both sects therefore owed Government a deep debt of gratitude. No member of their sect had complained of Government's administering these estates, and there seemed to be no grounds for Government's divesting itself of their management. The position of Government with reference thereto was analogous to that of the Trustee of a Minor or incapable person. As, however, Government had determined on taking this step, let the management be transferred to the Courts, so that the responsibility might still rest with the Government. In this Bill the rules for the appointment and the duties of Committee of Management and Trustees were clearly laid down; but he would suggest that it should be provided that, when any "interested individual" or "member of the Committee" should accuse the Manager or Trustee of malversation or misfeasance, his plaint should be written on unstamped paper, and that the Officer in whose Court the petition was filed should dispose of the case summarily, and at once put a stop to the mal-practices of the defendant. If the complainant were put to any expense, people would, rather than subject themselves thereto, wink at the mal-practices of the Managers, for besides the price of the stamp, should the plaintiff fail to prove his charges, he would also have to pay defendant's costs, and few were inclined to go to any expense for a religious purpose. If, for the above reasons, people should connive at the mal-practices of the Managers, the latter would be emboldened to commit still greater enormities until the legitimate expenditure would be curtailed, and eventually the temples would be ruined. It was, however, possible that if every kind of check were removed, people might bring charges against Managers for the sole purpose of annoying them; this might be obviated by empowering the Collector to institute a summary enquiry with a view (if the charges seemed to him well founded) of sending the case for trial to the Civil Court, and if on the contrary the charges appeared to him merely trumped up to annoy the defendant, of finally disposing of the case.

The Hon'ble SIR BARTLE FRERE agreed in the principle of this Bill, but suggested that it might be sufficient to repeal the Regulations, and leave the Regulations respecting the future administration of the trusts to the local Legislatures of

Madras and Bengal, providing for the North-Western Provinces in this Council. He understood that this course had been recommended by Mr. Forbes.

The Hon'ble Mr. FORBES said that he had intended to make this proposition, but that he understood that it was considered that this subject "affected the religion or religious rites and usages of Her Majesty's subjects in India," and therefore could not be taken up in the Local Councils without the sanction of the Governor-General.

His Excellency the PRESIDENT said that it was his opinion that the subject of this Bill brought it within the provision of the 19th Section of the Council's Act; but if there were a desire to deal with the subject in the Local Legislatures, the sanction of the Governor-General would not, without grave cause, be withheld.

The Hon'ble Mr. BEADON said that he understood the Rajah Deo Narain not to object to the principle of the Bill. The details could hereafter be considered. But he did not see any sufficient reason why applications to the Courts under the proposed Act should be on unstamped paper, or heard in any special way prior to the institution of a suit. This would be opposed to the principle of the Bill, as it would be perpetuating the connection of Government with these endowments. He believed that it was not competent to the Local Legislatures to take up this Bill without the sanction of the Governor-General, and it was on that account that he had introduced the Bill in this Council. But he had noticed a newspaper report that a similar Bill had been introduced into the Madras Council.

The Hon'ble Sir BARTLE FRERE said that he had only contemplated the Local Legislatures dealing with the details of the administration of the trusts.

The Hon'ble Mr. FORBES, in explanation, said that a native Member of the Madras Council had moved for certain papers with a view to introducing a Bill, but the Government had declined to furnish them, as they saw that the subject had been taken up in this Council.

The Hon'ble Mr. RITCHIE said that he understood that the restriction in the 19th Section of the Council's Act extended as much to the introduction without the sanction of the Governor-General of any Bill respecting the religious rites and usages of the people into this Council as into any Local Council.

The Hon'ble Mr. BEADON stated that he had omitted, in moving for leave to bring in the Bill, to mention, as he might have done, that he did so with the sanction of the Governor-General. Probably that was inferred from his being a Member of the Executive Government. He doubted, however, if this Bill fell within the prohibition of the Act.

His Excellency the PRESIDENT said that the Bill would apply to many cases in which the rites and usages of the people were not concerned. But, on the other hand, there might be other cases in which they were concerned, and therefore it would be the more prudent course to treat this as a Bill to which the Act applied.

The Motion was put and agreed to.

The Hon'ble Mr. RITCHIE introduced the Bill to amend the law relating to affidavits, affirmations, and solemn declarations, and moved that it be referred to a Select Committee with instructions to report in two months.

The Motion was put and agreed to.

The Hon'ble Mr. RITCHIE introduced the Bill to remove the District of Humeerpore in the North-Western Provinces from the operation of the General Regulations, and moved that it be referred to a Select Committee with instructions to report in two months. He said that he had ascertained that Mr. Harington had doubts as to the necessity of this measure, and if, in the Select Committee, it was found that so strong a measure was not required, there could be no objection to re-modelling the Bill to the necessity of the case. On this understanding Mr. Harington would not oppose the Bill. The object, as stated, was to bring the administration of justice at Humeerpore into uniformity with its administration in the rest of the Division of Jhansi, of which it formed a part. Mr. Harington thought that a more advantageous change might be made, and his suggestion would be communicated to the Lieutenant-Governor of the North-Western Provinces.

The Hon'ble Mr. HARINGTON said that, on the understanding mentioned by Mr. Ritchie, he should not offer any opposition to the introduction of this Bill or to its reference to a Select Committee. The understanding upon which Mr. Ritchie was willing to introduce the Bill had relieved him from a great difficulty, and rendered it unnecessary for him to trouble the Council at this stage of the Bill with any lengthened observations upon the principle of the Bill. On reading the extract from the letter of the North-Western Government, annexed to the statement of objects and reasons, it at once occurred to him that the anomalous state of things therein referred to as arising out of a divided jurisdiction, and the correction of which was stated to be the chief, if not the only, object contemplated in the introduction of the present Bill, might be at once and easily removed by a transfer of jurisdiction from the Bundelkund to the Jhansi Authorities, without having recourse to the extreme measure of excluding from the operation of the General Regulations, as proposed by the present Bill, a District which had been subject to those Regulations almost from the time that the Province of Bundelkund, of which Humeerpore formed a part, was ceded to the British Government by the Peshwa, that was for a period of nearly sixty years. There was an immense difference between bringing a Territory on its first acquisition by the British Government under what was called the Non-Regulation system, and continuing it for a time under that system, and to use a word which had become a term of art, de-regulationizing an old Regulation District, and leaving it to be governed by law, of which this Council had little, if any, knowledge. He believed that there was considerable difference of opinion as to what was meant by de-regulationizing a District, and as to what was the effect produced by that process upon a District to which it was applied. Some imagined that, in the de-regulationized District, all Acts and Regulations of Government were done away with, and that what he might call home-made laws took their place. Others considered that the District was simply excluded from the operation of the Regulations and that the Acts of Government, previously in force in the District, continued in force therein. It was not necessary now to enquire which of these views was correct. He had considered it right to say so much on that occasion upon the principle of the Bill. He gave no opinion at

present upon another question raised in the extract of the letter from the North-Western Government to which he had already referred, namely, as to the desirableness or otherwise of a separate judicial establishment.

The Motion was put and agreed to.

The Hon'ble MR. FORBES introduced the Bill to enlarge jurisdiction of the Courts of Requests in the Settlement of Prince of Wales' Island, Singapore, and Malacca, and moved that it be referred to a Select Committee.

The Motion was put and agreed to.

The Hon'ble MR. FORBES introduced the Bill to extend Act XXII. of 1840 (for executing within the local limits of the jurisdiction of H. M.'s Court's legal process issued by authorities in the Mofussil), and moved that it be referred to a Select Committee.

The Motion was put and agreed to.

The Hon'ble MR. LAING moved for leave to bring in a Bill to repeal Act XVIII. of 1861 (for imposing a duty on Arts, Trades, and Dealings), and moved that the Rules for the conduct of business be suspended, and that the Bill be introduced and passed. He spoke as follows :—

In proposing a Bill for the remission of taxation before the period of the regular Budget, I am taking a course which is only to be justified by special circumstances. The reason is this. The License Tax, a tax affecting four or five millions of the humbler classes of artizans, mechanics, and petty traders, has now reached a point where it is just possible to stop it, but where the delay, even of a few weeks, would see it in full operation.

To postpone decision, therefore, would have been practically to decide against the tax-payer, and it became the duty of the Government at the first moment when they acquired the moral certainty that the tax was no longer indispensable, to come to a decision whether or not to allow it to be enforced.

His Excellency the Governor-General will, I have no doubt, state to the Council the general and political reasons which have led the Government to the conclusion that the License Tax should be repealed and immediate action taken, and I shall confine myself to stating the grounds on which as a Financier I have felt justified in recommending the measure now before the Council.

In arriving at its decision the Government have been influenced by no misgivings as to the soundness of the principle on which the License Tax is based, or as to the perfect facility of collecting it without opposition.

In principle nothing can be more just than that the class of tradesmen and artizans in towns and villages, who have so greatly benefited by our rule, and whose condition, I am happy to think, is daily improving with the prosperity of the country, should contribute in some just proportion towards the support of the State.

In practice also it has been the uniform rule of Native Governments, both the Hindoo and Mahometan, to enforce direct taxes of this description on the trading classes. Without going back to the records of the early Hindoo history, or even to the institutes of Akbar, it may suffice to say that, when the British rule was recently extended to the Punjab and Sind, a long list of taxes on every conceivable art, trade, and profession was found in existence at rates far heavier than those of the proposed License Tax. Nor are such taxes confined to India. They are general throughout

the East, and familiarly known in almost every country of Europe, so that the exemption of British India is almost a solitary instance of Financial forbearance on the part of a Government.

So generally was this known, that not a whisper of opposition to the tax has reached the Government, and there cannot be the least doubt that if the Law passed last summer be allowed to take its course, fifty or sixty lakhs will be paid into the Treasury in the course of the next six months without disturbance or any overt manifestation of discontent.

Under these circumstances the Government believe that a License Tax is now, and will be at any time hereafter, a perfectly legitimate work of raising revenue whenever additional revenue is indispensably required.

At the same time it is equally clear that, without indispensable necessity, it is not desirable to impose new taxes at all, and least of all a new Tax which affects a great many persons and produces very little money.

With three classes as proposed at 1, 2, and 3 Rupees respectively, the average License Tax paid by each individual would probably not exceed 1½ Rupee, so that the tax-gatherer must call at four or five millions of doors to collect £500,000 or 600,000 of revenue.

I need not say that such a mode of raising revenue is not desirable, if it can be avoided, especially in a country where we have to work with very imperfect instruments, and where every Rupee taken from the tax-payer may cost him another Rupee in time and trouble, or worse still, in many cases may be made an instrument of oppression and extortion. The classification of four or five millions of persons, even into three simple classes, is a serious operation, which of necessity involves much labor on our already over-worked Officials, and much trouble and annoyance, with occasional unavoidable injustice to the persons affected by it.

Accordingly it is quite clear that such a tax ought not to be imposed at all, unless it is likely to be permanently needed and retained as part of our regular Financial system.

As long as a doubt existed on this point the Government refrained from acting. To restore a clear and *bona fide* equilibrium in the Finances of India is an object of such paramount importance, that all other considerations must give way. But without anticipating the more full and accurate statement which will accompany the Budget in April, enough is already ascertained to satisfy us that the License Tax is no longer required for the purpose of restoring an equilibrium.

The state of the cash balances affords an unerring test of our real position, as there have been for the past year no Loans open, and no accumulation of arrears or liabilities. All that has to be allowed for is the return to England of the £1,000,000, which was sent here in bullion last spring under apprehension of the possible results of the famine, and of about £2,000,000 more, which will be due to England on the balance of accounts of the year.

Of the total expenditure of the Empire about £9,000,000, in round numbers, is paid in England for home charges, stores, interest on debt, guaranteed Railway interest, &c., of which we pay here for England about £7,000,000 in constructing Railways and on other accounts, so that a balance of about £2,000,000 is due by India to

England to square the accounts of the year and establish an equilibrium.

Setting aside this £2,090,000 and the £1,000,000 remitted in bullion, as belonging to England, our Indian cash balance on the 1st of the present February was £15,400,000, having been £12,680,000 on the corresponding day of 1861, and £14,280,000 at the commencement of the current Financial year on the 1st May 1861.

The inference is irresistible that during this period our receipts have more than equalled our expenditure.

The detailed returns which are now coming in under the new and more accurate system of account and audit fully confirm the general result indicated by the cash balances, more especially as regards the buoyancy of the principal branches of revenue, which appear to have been habitually and largely under-estimated under the old system, and there is no reason whatever to make us doubt the continuance of this buoyancy in the ensuing year.

I should be sorry, however, to say positively that we have a surplus beyond what is required for giving up the Income Tax, still less to specify its amount, or base on it any further proposals for remission of taxation, for it is just possible that between now and April something might occur to diminish the cash balances or otherwise affect our calculations.

It is well known that the Government do not regard the enhanced rate of customs duties on imports of manufactured and semi-manufactured goods as a proper part of our permanent Financial system, but as a temporary expedient to meet an emergency, and therefore it will be our wish to reduce those duties if on a full review of our position at the end of the Financial year we see that we can do so with safety.

But in the meantime it can be no objection to refraining from imposing a new tax like the License Tax, which we do not want, that we are not quite in a position to say positively whether we shall be able to remit another existing tax which is in full operation. In matters of taxation change is of itself a great evil, and the occasions are rare indeed when it is good policy to impose a new tax for the sake of getting rid of an existing one. There is one change which is always salutary, *viz.*, to be able to reduce taxation by the exercise of a wise economy and by the buoyancy of existing revenue arising out of general prosperity, but beyond this to avoid changes as much as possible should be the policy of every prudent Financier.

It is by these means that we are now enabled to arrest taxation at the very threshold of five millions of doors. Since the estimates of the year 1860-61 were framed, or in the course of two years, the revenue of India will shew an increase on those estimates of upwards of £3,000,000, while the expenditure will have been diminished by a still larger amount. I cannot but hope, therefore, that the result now proposed to the Council will be accepted as an encouragement to proceed in the same course, as an earnest of further progress in the same direction, and above all as a practical proof of the sincerity of our professions when we say that we have no wish to impose unnecessary burdens on the people of India.

In the present instance we give up fifty or sixty lakhs, which are, I may say, as good as in our treasuries for no conceivable motive except that

of tenderness for a large body of tax-payers. Indeed a small portion of the tax has been already collected and this we shall return to the agreeable surprise, I have no doubt, of those who, when they paid their Rupees, little expected ever to see them back again.

If there be, as I have often heard, an impression on the minds of some classes of the native population that there is no end to the new taxes, and that it is our policy to extract from them all we can, it is by *facts*, not by *professions*, that such an impression can alone be removed.

The fact that the English public recently subscribed a large sum for the relief of the sufferers from famine in the North-West Provinces must have done more than a ship-load of tracts and proclamations to convince all intelligent and fair minded natives of the reality of English sympathy with India.

In like manner the *fact* of the Government giving up sixty lakhs of revenue to avoid putting on a new tax which no one approves, and which every one has made up his mind to accept as an accomplished fact cannot, I think, fail to satisfy every candid mind that we do not impose taxes recklessly or maintain them without necessity.

I have only to add that personally it is a source of gratification to me, as I am sure it will be to all the Members of the Council, that the improved state of our finances shall have been ascertained just in time to enable His Excellency the Viceroy to adopt, consistently with perfect prudence, as one of the last acts of his Administration, a measure so entirely in accordance with its whole spirit and policy.

His Excellency the PRESIDENT said that the Council must have heard with satisfaction the statement of his Honorable Colleague, Mr. Laing, shewing, as it did, so promising an aspect of the revenue, and that the proposed remission of taxation could be made with perfect prudence. He wished to offer a few observations respecting the selection of this particular tax for remission, and the mode in which the determination of Government had been made public. It always happened that, when a Government was in a position to remit taxation, there were as many claimants for the benefit as there were remonstrants against new taxes when further taxation was required. On this occasion the Government, feeling itself able to remit taxation, had carefully considered whether the remission should be made from direct or indirect taxes, from those which affected internal industry, or those which bore upon foreign commerce. Now this License Tax had peculiar claims, for by remitting it the Government was able, not only to relieve a large class from new payments, and that class one not so well able to bear taxation as others, but also to cut short those tedious processes of classification and assessment which the tax required, and which involved much that was scarcely less harassing to the people than the taking of money from them. That was a strong reason. But he must repeat that which was stated by Mr. Laing, that in no quarter had there been any indication of soreness or irritation at the imposition of this tax. Before deciding on its remission the precaution had been taken of communicating by Telegraph with the Local Governments to ascertain if there were any difficulty in its remission. Had any discontent (not to speak of resistance) been apparent, it might have been a question if it would be a wise or dignified

course at that moment to withdraw the tax. But no answer which had been received indicated that any Local Government had experienced any difficulty in the imposition or collection of the tax. It was only fair to the people of India to make this statement. With respect to the mode which the Government had adopted of notifying the remission of this tax, no one felt more strongly than himself the obligation and desirableness of departing, as little as possible, from the Rules of the Council, or the inexpediency of the Executive Government taking the initiative in a measure which might properly come from this Council. He should have been glad if the remission of this tax, which the Legislative Council had imposed, had first been heard of at that table. But the case was one for immediate action. For although in Bengal no progress had been made in the collection of the tax, the collection was going on in two divisions of the North-Western Provinces, and also in Oude, in the Punjab, and in the Madras and Bombay Presidencies. The classification, moreover, was in full progress everywhere; and as the object was not only to remit taxation, but also to avoid troubling the people vexatiously, immediate action was necessary. The decision of Government was taken; the Resolution of the 21st instant was adopted and published; and information was at once conveyed to the Local Governments. This having been done, the Government had taken the earliest opportunity of coming to this Council with the Bill which his Honorable Colleague proposed to introduce.

His Excellency the PRESIDENT then declared the Rules for the conduct of business to be suspended, and the Bill was introduced, read by the Secretary, and passed.

The following Select Committees were named:—

On the Bill to authorize the punishment of whipping in certain cases—the Hon'ble Messrs. Beadon, Ritchie, Harington, and Cowie, and Rajah Deo Narain Singh.

On the Bill to enable the Government to divest itself of the management of religious endowments—the Hon'ble Messrs. Beadon, Ritchie, Harington, and Forbes, and Rajah Dinkar Rao Rugonath.

On the Bill to amend the law relating to affidavits, affirmations, and solemn declarations—the Hon'ble Messrs. Ritchie, Harington, Forbes, and Erskine.

On the Bill to remove the District of Humeerpore, in the North-Western Provinces, from the operation of the general Regulations—the Hon'ble Sir Bartle Frere, and Messrs. Ritchie, Harington, and Erskine.

On the Bill to enlarge the jurisdiction of the Courts of Requests in the Settlement of Prince of Wales' Island, Singapore, and Malacca—the Hon'ble Messrs. Ritchie, Harington, and Forbes.

On the Bill to extend Act XXIII of 1840 (for executing within the local limits of the jurisdiction of Her Majesty's Courts legal process issued by authorities in the Mofussil)—the Hon'ble Messrs. Ritchie, Harington, Forbes, and Erskine.

The Council adjourned till Wednesday, the 5th of March, at 11 A. M.

M. WYLIE,

*Depy. Secy. to the Govt. of India,
Home Department.*

CALCUTTA,
The 26th February 1862. }

Government of the North-Western Provinces.

Cultivation of Cotton.

FROM SIR GEORGE COOPER, BART. and C. B., Secretary to the Government of the North-Western Provinces, to W. GREY, Esq., Secretary to the Government of India, Home Department,—(dated Camp Ghatampur, the 27th January 1862.)

As required by your letter dated the 16th September last, the Hon'ble the Lieutenant-Governor desires me to communicate to you the following remarks on Mr. P. Saunders' Report relative to the Cotton-growing Districts of the Doab.

2. Mr. Saunders had previously to the receipt of your letter favored the Lieutenant-Governor with a copy of this Report; but as it was not addressed to this Government, no action was taken upon it, except in regard to the remarks on the Doab Canals, as it will be noticed below.

3. It appears to the Lieutenant-Governor that Mr. Saunders has conducted his enquiries with much diligence, and with an earnest desire to ascertain the real truth on all points; that he has drawn the conclusions which are expressed in his Report with fairness and impartiality, and that the suggestions which he has offered are for the most part distinguished by good sense, though, possibly, open to objection on grounds not always within his knowledge or cognizance as a "Commissioner to report on the cultivation of Cotton."

4. It is hardly necessary that the Lieutenant-Governor should dwell upon those portions of the Report which relate to the area, population, soil, and climate of the Doab Districts, or to the "past trade in Cotton." There is no doubt that there is nothing in the nature of the soil, or in the conditions of the climate (in ordinary seasons), to oppose the growth of Cotton to any extent that may be desired; and of this there can be little better proof than the fact which the enquiries of Mr. Saunders have established, that, before the slave-grown Cotton of America obtained possession of the English market, the crop was extensively cultivated in the North-Western Provinces, and a large export trade on this article existed. Mr. Edmonstone can remember the time when Kalpee had hardly ceased to be a great entrepôt, and it is only within the last two months that he has seen, in the great buildings still standing at that place, tangible evidence of the magnitude to which the Cotton trade had grown. There is store-room for hundreds of bales, and there is space enough, and to spare, in the buildings still existing for Cotton Serews, and for all the operations of picking, cleaning, and packing.

5. What once existed it requires only the same inducements to re-produce. The failure of the demand for Indian Cotton, and the consequent fall in prices of course affected the production, and Cotton has given way to cereals, sugar-cane, &c., for which a ready market is always at hand. With the revival of a real and constant demand for the article, its cultivation would, without doubt, be resumed, and there is hardly a limit to the quantity that might be supplied with reasonable encouragement and assistance, and enterprise on the part of those who are interested in the trade.

6. As to the best means of stimulating the production of Cotton, and improving the produce, the opinion of the Lieutenant-Governor entirely coincides with that which Mr. Saunders has

recorded in the 7th paragraph of his Report. The European Settler, or the European Agent of the Capitalist, will gain no advantage by possessing himself of land on whatever tenures, and himself undertaking the cultivation of Cotton. He must after all employ the Native agriculturist who will have less interest in the crop than if it were his own, and will have no scruple whatever, as Mr. Saunders says, in filching as much of it as he requires for his own use, or for the use of his family, and even of his friends. He will take little or no trouble in the agricultural processes, and still less in protecting the crops, when grown from spoliation, unless he sees his interest in so doing. But the presence of an European Settler in a Cotton-growing District would be most valuable in creating a local market for the produce; in ensuring its ready sale and an immediate return to the producer; in improving the cultivation perhaps, and certainly the picking and cleaning of the Cotton; and on the use of appliances for screwing and packing it for export.

7. That there are no obstacles to the settlement of Europeans in these Provinces is fully established by the enquiries which Mr. Saunders has directed to this point. Thirty years have gone by since the Lieutenant-Governor entered these Provinces, being, in the first instance, appointed to the District of Ghazee-pore, in which at that time even European Planters were settled. Since that he has served in various Districts of the North-Western Provinces, in which, or in the Districts adjacent thereto, Europeans holding lands or carrying on trade were to be found; and he is glad to have the opportunity of stating his belief that their presence was beneficial, their conduct towards the Native population exemplary, and the uprightness of their dealings with the people about them unimpeachable. The Lieutenant-Governor is fully persuaded that every District Officer in these Provinces will gladly welcome to his District as many European Settlers of respectable character as can find occupation for their capital and their energies, and will give to them all the encouragement and assistance which they can reasonably expect to receive.

8. The Lieutenant-Governor's conviction is that, in a political point of view, nothing but good can result from the residence of Europeans in the interior, whether in the character of Landholders, of Planters, or of Merchants. The hands of the District Officer must be strengthened by the presence, in different quarters of his charge, of gentlemen whose good will to the Government cannot be doubted; whose means of obtaining correct information as to the feelings and doings of the people around him are considerable; and whose assistance can be confidently looked for, not only in dealing with troubles and difficulties that may arise, but in carrying on local improvements in their neighbourhood. Many of these gentlemen have become Members of the District Road and Ferry Fund Committees in these Provinces, and more recently some of them have been appointed Honorary Deputy Magistrates with jurisdiction in the Pergunnahs in which they reside.

9. On the other hand there is no reason to suppose that the residence of Europeans in the interior of the Districts is in any way unacceptable to the people of the North-Western Provinces. That these must benefit, more or less, by the larger circulation of money which will always follow upon the employment of European capital

in their neighbourhood, to whatever purpose directed, is certain; that they are treated with consideration in their intercourse, and with liberality in their business transactions, with Europeans, may be inferred as well from the rareness of complaints, and the infrequency of litigation, as from the tenor of the several reports regarding the production of Indigo in these Provinces, which were sent last year to the Calcutta Commission, of which Mr. Seton-Karr was President. Indeed, if there could be any doubt upon the point, it would be removed by the consideration that the interests of the Europeans themselves would be injured, and the success of their undertakings, whatever they might be, would be imperilled by any oppression, ill-treatment, or unfair dealing on their part. The hostility of the people around them would be excited, the Authorities would be appealed to, and the Law would be enforced promptly.

10. The Lieutenant-Governor would be glad to see half-a-dozen European Settlers of enterprise and respectability in every District of these Provinces.

11. The next point to which Mr. Saunders adverts, is the expediency of "a Contract Law to punish criminally fraudulent breaches of contract." The present position of this question renders it unnecessary for the Lieutenant-Governor to offer any remarks on it. He will only say that, though the action of the Civil Courts under the new Procedure Code is much more prompt and effective than it used to be, he would have unhesitatingly advocated the enactment of a Law to make fraudulent breaches of contract criminal had the question been still an open one. As it is understood that a Bill on the subject is about to be brought before the Council for making Laws and Regulations, its action may be awaited.

12. Referring now to the 13th, 14th, and 21st paragraphs of Mr. Saunders' Report, I am desired to observe that the opinions of the Lieutenant-Governor on the subject of the "Redemption of the Land Tax" and the "Sale in fee simple of Waste Lands," were communicated in a Minute which was forwarded to the Government of India in May or June 1860; and that further discussion is barred by the Resolution No. 3264, dated 17th October last, in which the views and the instructions of the Government of India on both these important subjects have been set forth. I am to add, however, that the Lieutenant-Governor does not share in Mr. Saunders' expectation, even if "a fair demand for Cotton from England springs up," that these waste lands will be used largely for the cultivation of Cotton at least for many years to come. For *First*, the available waste is for the most part covered with jungle or forest, and the clearing will be a work of time involving considerable outlay. *Second*, there will be a heavy expense and some difficulty in settling cultivators on the tract, and the first object will be to grow food for their consumption, as will be necessitated by the distance of markets. *Third*, the waste will probably be without the means of irrigation essential to the certain production of first class Cotton crops. *Fourth*, the tract will be generally distant from any roads, and these will need to be provided before the produce can be removed from the site of growth. *Fifth*, though the spoliation may be less, there will be no more care in the agricultural processes unless the cultivator be made to see his interest in the production of a plentiful crop,

or unless the European supervision be such as it can hardly be without a very large expenditure. Here, as elsewhere, the Lieutenant-Governor thinks the function of the European will be to encourage the cultivation by low rates of rent, or by advances, or by ensuring a ready sale of the produce as may be, and by improvements in the way of cleaning, packing, &c.

13. As regards Mr. Saunders' remarks on the "tenure of lands in the North-Western Provinces," and his advocacy of a permanent settlement, the Lieutenant-Governor prefers to postpone the expression of his views until he shall be in a position to do so in connection with Colonel Baird Smith's Report, which has been referred for his consideration with your letter No. 2033, dated the 7th October last. It appears to him, however, that the evils supposed by Mr. Saunders to arise from the system of periodical settlements of the Land Revenue in these Provinces have been somewhat, though of course unintentionally, exaggerated, and that he is mistaken in assuming that the desire and the object of the Government in every re-settlement are to increase the revenue. On these two points a few remarks may not be out of place.

14. When we first acquired possession of these Provinces, now nearly sixty years ago, Quinquennial Settlements of the Land Revenue were instituted. Subsequently the period was extended to ten years. These settlements were formed without measurements of area, and, it is believed, without much independent enquiry, and the assessments were little better than mere guess work, guided in some measure perhaps, but very imperfectly, by Kanoongoe's estimates and untrustworthy records of village collections. Since 1833 assessments have been made only after professional survey, and interior measurement of the area of every village, and from the very first (as the Lieutenant-Governor can himself testify, having entered the Settlement Department in 1832) the principle has been inculcated that enhancement of the revenue is by no means the chief object to be looked to, but rather the equalizations of the demand at such moderate rates as shall ensure a fair profit to the proprietors, and a punctual realization of the Government revenue.

15. There can be no doubt whatever, it is presumed, that, notwithstanding the pressure of a system which Mr. Saunders pronounces to be "injurious to the country," these Provinces are a garden as compared with what they were in 1803; and that if, when they first came into our possession, we had given a permanent settlement, the Land Revenue would have been little more than half what it is now, while the sources of indirect revenue would have been little more abundant. It is certain that, notwithstanding the pressure of this "injurious, unjust," and impolitic system, these Provinces have thriven; that barren lands have been very extensively brought into cultivation; that, trusting perhaps to the known moderation of the Government, the Landholders have sunk numberless wells; and it may be deduced from these facts that the reluctance to make improvements is not so great in point of fact as Mr. Saunders has represented; and the apparent anomaly may be explained without much difficulty, even though it be admitted, as the Lieutenant-Governor does admit, "that, when a District approaches to within five or four years of the expiration of the settlement, all improvement ceases." This is quite true; but when,

immediately on the conclusion of a settlement, the Landholder sees before him a guaranteed fixity of demand for thirty years, he has no hesitation in taking canal water, or in digging wells, or in bringing new lands under the plough, because any possible enhancement of the demand upon him is so distant that, as he knows well, the profits to be derived from the introduction of these improvements and the extension of cultivation will re-pay his capital, even if it do not re-pay it twice over, before the period of re-settlement shall come round—and if at that period the Government demand should be increased his improved assets will be sufficient to meet it and to give to him a fair profit still; while, in the currency of the previous settlement, he will have recovered the whole of his outlay at the least, and will in all probability have obtained a larger return.

16. Statistical facts alone, which are obviously unattainable, can settle the question as to how far the progress of the North-Western Provinces has been retarded by the system of periodical settlements, as compared with the prosperity of Bengal under a permanent settlement; but the Lieutenant-Governor hazards the opinion that improvement would have advanced with little more rapidity than it has done had a permanent settlement of the Land Revenue been given in 1803, and that, man for man, the *agriculturist* of the North-Western Provinces is at least on a par in his circumstances with him of Bengal. The *proprietary* body in the North-Western Provinces cannot be compared with the Landholders of Bengal in respect of wealth and substance; but this is not due so much to the difference of the settlement system, as to the fact that the former are the actual hereditary owners of the soil, occupying it in infinitesimal portions according to ancestral right or local custom, while the latter are nothing more or less than the Amils who collected revenue under the old Mahomedan Government from vast tracts of country and were recognized as proprietors thereof under the permanent settlement. Whether these latter have ever expended capital in the improvement of their estates, or whether their prosperity has grown with the natural growth of the population, and is due as much to the luxuriant productiveness of the soil as to any outlay of money, remains to be proved.

17. Mr. Saunders hints that the permanent settlement to be the source of all progress in Bengal, and that the system of periodical settlements is the root of much evil in the North-Western Provinces; but he has omitted to advert to the distinctive features of the two sections of the Presidency; the one with a rich soil, with a teeming population, with large and constant demands for produce, whether for home consumption or for export, with unlimited water carriage for its conveyance to the places of consumption, or to the ports of export; and lastly, with a climate in which the periodical rains never fail; the other with a light soil which, though productive under irrigation, is nearly barren of produce without it; with a population falling little short, probably of that in Bengal, and possibly with a local demand for produce little less, but at a great distance from any port, and with infinitely smaller, and those more expensive means of reaching it; and lastly, with a liability to "periodical droughts"*** "when there is an almost total failure of rain," and when "appalling desolation and famine" befall the people.

18. These are marked distinctions, and the justifiable inference is that, while the prosperity of Bengal may be traced to other causes than the permanent settlement which Mr. Saunders so strongly advocates, the North-Western Provinces have progressed in spite of the system which he unequivocally condemns; that, while on the one hand the great staple of Bengal (Rice) is produced with no other watering than that which it receives from the never failing periodical rains, and in Bengal the need of expending capital in providing for irrigation is not pressing; on the other, the cereals, which are the staple of these Provinces, can be but scantily produced without irrigation—which irrigation cannot be obtained, as a certainty, without a large expenditure of capital. The same may be said of Sugar.

19. The Lieutenant-Governor would not be understood to say that he is opposed to a permanent settlement in these Provinces under certain conditions, the statement of which is reserved for a future occasion as already stated. Times and circumstances have changed, and what would have been certainly premature in 1803 may very well be advantageous now. All that he desires to convey is that a permanent settlement is not a cure for every evil, and that the effect of the system of periodical settlements, which has obtained here in retarding improvement, has been much less in degree than Mr. Saunders implies.

20. It has been stated above that Mr. Saunders "is mistaken in assuming that the desire and the object of the Government in every re-settlement are to increase the revenue." In the orders which have been from time to time issued by this Government for the guidance of Settlement Officers there is enough to shew that the principle of moderation has always been inculcated.

* Directions to Settlement Officers, paragraph 47. "The object of the fiscal part of the settlement is to fix the demand upon the land" ** "within such limits as may leave a fair profit to proprietors, and create a valuable and marketable property in the land." Then, after laying down full instructions for fixing the demand of the Government, the following cautions are conveyed:

† Directions to Settlement Officers, paragraph 61. "It is a more fatal error to over-assess than to under-assess. The Government will not test the settlement by the mere amount of direct revenue which it brings into the Treasury."

** "If the jumma is less than it was before the Government will be satisfied; if the reasons for the reduction are sound and sufficient." * "if he (the Settlement Officer) is in doubt which of the two jummas to fix, a high one or a low one, he should always incline to the latter. Over-assessment discourages the people, and demoralizes them by driving them to unworthy shifts and expedients, and it also prevents the accumulation of capital, and dries up the resources of the country. Viewing the question simply in a financial light, an assessment which presses hardly on the resources of the people, is most injurious."

21. Again, when the settlements of the Districts in these Provinces began to fall in, and the District of Saharunpore was about to be re-settled, instructions, now known as the "Saharunpore Rules," were issued, and in these it is said that "the Government does not look for any total increase on the present demand, excepting, of course, as to fresh land brought into culture since

the last settlement beyond the limits of the then assessed villages, or where there may have been a great rise in the rent value of land, caused by the growth of new large centres of consumption or the like. The Collector should aim rather at the equalization of the assessments."

22. Further, as to Mr. Saunders' remark* that the improvements made by the Landholders, such as

* Paragraph 15. cultivation of barren and unassessed lands, construction of wells, &c., being taken into the calculation of assets for re-settlements, it may not be out of place to note that Regulation II. of 1819 provides for the assessment of lands which, at the period of the Decennial Settlement (in Bengal), were not included within the limits of estates for which a settlement was concluded with the owners; and in regard to the other point, construction of wells, &c., it is thought right to subjoin the following passages; the first from directions to Settlement Officers, the second from the Saharunpore Rules, which will shew that in this respect also a caution has been enjoined:—"Whenever the value of land has been much raised by the expenditure of capital in providing irrigation, locating laborers, or in other modes, care should be taken, lest by too high an assessment an unfair tax be laid on the profits of the capital, over and above the just right of the Government to a portion of the net produce of the land"†. Again, in villages the cultivation of which has been much extended since the settlement by the breaking up of new land, or the percentage of irrigation increased by the sinking of new wells, or other improvements, the expenditure of capital must be allowed, and a moderate jumma assessed‡.

† Directions to Settlement Officers, page 65.

‡ Saharunpore Rules, paragraph 37. See also foot-note to the above, being extract (paragraph 489) from a Despatch from the Hon'ble Court of Directors No. 9, dated 13th August 1851.

23. The Lieutenant-Governor has thought it right to offer the foregoing comments on paragraphs 15 to 20 of Mr. Saunders' Report, not with any intention of disputing the present expediency of converting the settlements of these Provinces (subject to certain conditions) into a permanent settlement,—for it is to that issue that the extension, from time to time, of the period of settlement has been gradually advancing; but with the desire to shew that the system of these Provinces has not been so injurious to progress, or the Government of these Provinces so intent upon increasing the Land Revenue without regard to considerations of justice and of policy as Mr. Saunders would seem to represent. The Lieutenant-Governor does not believe that the land in these Provinces, taking them as a whole, is "heavily assessed;" and if it be, the fact is not due to the action of the Government which he has the honor to represent. If this Government has erred, it has been, Mr. Edmonstone thinks, very much more in the disruption of the old Talookas, and the annihilation by this measure of the landed aristocracy that once existed, than in any encouragement given to heavy assessments.

24. In regard to the "cultivation of exotic Cotton," the Lieutenant-Governor does not feel himself competent to remark, never having given his attention to the subject, or experimentalized, as many others have done, in growing it. There is no doubt that the fullest information on this

point will be furnished to the Government of India from other quarters.

25. It has been stated in the 2nd paragraph of this address that the only part of Mr. P. Saunders' Report upon which the Lieutenant-Governor thought proper to take action at once was that relating to "the Canals of the Doab." This subject was considered in the Department Public Works, and the copy of a letter (No. 3628A., dated 30th November last) addressed to the Superintendent General of Irrigation is enclosed. This letter, so far as it goes, expresses the Lieutenant-Governor's sentiments, and he is sanguine that the result of the discussion to which it will give rise will be the introduction of measures that will at least mitigate the corruption and the oppression complained of in connection with Canal management. That these evil practices will ever be entirely suppressed,—until at least the morality of the people who must be our instruments, more or less, is very greatly improved, Mr. Edmonstone does not believe whatever may be the means used.

26. Mr. Saunders testifies in paragraph 38 that "in the matter of roads there is no impediment whatever to the trade in Cotton so far as the roads in the Doab are concerned." The Government of India are aware from my letter dated the 29th March 1861, and its enclosures, and from separate correspondence in the Department Public Works, that the improvement of the internal communication in these Provinces has been attended to by the Lieutenant-Governor, and perhaps it may be needless to say more on this point than that in Rohilcund, in Bundelkhand, and in the Benares Division, no less than in the Doab, the necessity of facilitating traffic has been kept constantly in view. It will be seen from the Appendices to the Department Public Works Budget for 1862-63, now under dispatch, that very large sums of money derived from the local funds will be applied to the construction, improvement, and maintenance of the roads, and to the erection of numerous Bridges in the several Divisions of these Provinces during the twelve months extending from the 1st September 1861 to the 31st August 1862.

27. The representations contained in the 39th paragraph of Mr. Saunders' Report formed the subject of my separate letter No. 45A., dated the 8th of this month, in which you were informed of the enquiries about to be instituted under the Lieutenant-Governor's instructions. The depositions of Lalla Ram Buxsh and Radha Lall, which are enclosed in Mr. Saunders' letter dated 6th instant (just received under cover of your No. 239, dated 14th *ibid*), will be forwarded to the Magistrates of Cawnpore and Etawah, respectively, with a direction to examine the deponents, and to obtain from them any proof they can offer of their assertions, and of the particular incidents on which those assertions are founded, the result of all these enquiries will be fully reported in due course to the Government of India; but the Lieutenant-Governor must not conceal his apprehension that he may have too hastily formed the conclusions communicated in my letter above referred to. It will be remembered that the requisition therein replied to was very urgent; and it may be observed that the Lieutenant-Governor's Camp was distant from sources of information, and that no enquiry could be made without the certainty of disappointing the wishes of His Excellency the Viceroy in Council for an early

report on the subject. Since that time the Lieutenant-Governor has been led to doubt the correctness of his belief that Cotton carts are not commonly impressed. He has been told that to enable Troops to move, urgent indents for many scores of carts are not infrequently sent, at very short notice, to Collectors; and that, in the execution of these, it does happen that even Cotton carts are seized, the bales being generally stacked by the persons in charge in the purlies alongside of the road, until the carts shall be restored. This may or may not be confirmed from other parts of the country, and the Lieutenant-Governor will await the issue of the investigations now in progress. It may, however, be observed that as long as the Civil Authorities continue to be served with these urgent indents at the shortest notice, and are informed that the Troops cannot move until the carts are furnished, so long there must be either impressment of carriage, or serious detention of Troops on the line of march.

From LIEUTENANT-COLONEL W. E. MORTON, Officiating Secretary to the Government of the North-Western Provinces, Public Works Department, to LIEUTENANT-COLONEL A. D. TURNBULL, Superintendent General of Irrigation, North-Western Provinces, Roorkee,—(No. 3628, dated Camp Ora, the 30th November 1861.)

In continuation of my docket No. 2594A., dated 4th ultimo, forwarding extract from a Report by the Commissioner to enquire into the cultivation of Cotton, I am directed to call your attention to the following observations which, by an oversight, were not communicated to you in the first instance.

2. Among the questions put by the Cotton Commissioner to Mr. Peters, a Zemindar of Mynpooree, paragraph 24, is one to the effect whether complaints such as he, Mr. Peters, brought against the Canal Department were general in the District. To this the reply was that such complaints were general, for "hundreds of petitions have been given by Natives to the Collector detailing their grievances, but they get no redress."

3. This statement, the Lieutenant-Governor believes, is as unfair as it is incorrect. His Honor feels certain that redress is never refused by Officers of the Irrigation Department when grievances are proved. No doubt many complaints fall to the ground, either from deficiency of proof, or because those who prefer them subsequently fail to exert themselves to establish their cases.

4. The remedy proposed by the same Zemindar for the grievances complained of, *viz.*, that the distribution of Canal water should be placed under District Officers, is manifestly absurd. For District Officers do not employ a more honest class of subordinates, grade for grade, than do Canal Officers, while the former certainly could not devote as much time to matters connected with irrigation as Officers especially appointed for such duties.

5. The next evidence was given by Mr. W. Martin, an Indigo Planter of Mynpooree. I am to notice particularly only the concluding portion of his last reply, in which he gives it as his opinion that the water rate for Indigo and Cotton is too high, being double of that for cereals. On this the Lieutenant-Governor remarks that Mr. Martin naturally would desire to see the charge for watering Indigo lowered; others no doubt are equally

certain that the crops which they chiefly cultivate, rice, wheat, sugar-cane, or whatever it may be, are made to pay too high a rate for Canal water. In point of fact, His Honor believes, the whole of the Canal water rates are extremely low as compared either with the average cost of well irrigation or the more abundant yield due to that by Canals.

6. Mr. Saunders states (paragraph 25) that the general result of many inquiries made in the Boolundshuhur and Allygurh Districts was, that it was a common complaint among Native cultivators that the Canal Officers were chiefly young men who have no consideration for the agriculturists, and the consequence is that many Zemindars will not take water. But the Lieutenant-Governor is not inclined to accept either of these statements. In regard to the former, His Honor observes, that *one* Officer at least in every Division, the Superintendent necessarily has ample experience, and, as a rule, it is believed that such Officers, whose duties to bring them almost daily into contact with Native cultivators, do listen to complaints which appear to have any foundation.

7. As to the assertions that many Zemindars do not take water, the Lieutenant-Governor considers that it is effectually disproved by the experience gained on the Jumna Canals. There, it is well known, it is not the demand, but the supply that is deficient, and we have no reason whatever for supposing that, when the Ganges Canal has existed as long as those from the Jumna, and the benefits of irrigation become as widely known, there will not be an equal readiness to take water on the part of the cultivators within the Districts through which it runs.

8. In the same paragraph Mr. Saunders gives it as the opinion of Hurpal, Cotton Dealer and Zemindar of the Moozuffernugger District, and Hosein Ally Khan, a large Landholder, that the lower Establishment of the Ganges Canal is corrupt, and that Chowkedars receiving a pay of four Rupees per mensem make nearly ten times that amount. This charge, the Lieutenant-Governor fears, has too much truth in it; from the very circumstances of the case it would scarcely be otherwise. His Honor suggests for your consideration that, pending the introduction of a better system of irrigation under which the Conservancy Establishments of the Canals may be almost, if not entirely, dispensed with, the large number of underpaid Chowkedars should be reduced. Such a reduction would admit of the pay of the remainder being so increased as to lessen the temptation to dishonesty and oppression now so powerful.

9. The remedy for the evils above referred to which Mr. Saunders mentions in his 28th paragraph, *viz.*, the supply of Canal water on contracts, is the one that, His Honor believes, is best calculated to effect the object in view. Such a system in one form was introduced by your predecessor, but it was at the outset opposed by difficulties which led to its partial modification. Contracts in another form, *viz.*, with the average measurements of a certain number of previous years as their lease, are being adopted on the Eastern Jumna Canal. It is not proposed on this occasion to discuss the respective merits of these two forms of the contract system. The question will shortly be brought forward in connection

with the 2nd Section of Colonel Baird Smith's Famine Report.

10. With reference to Mr. Saunders' 30th and 31st paragraphs, I am to observe that it does not by any means seem so certain, as that gentleman appears to suppose, that the plan of simply enhancing land rent in Canal Districts and then giving water *ad libitum* would answer.

11. In the first place, as shewn on the Jumna Canal, water *ad libitum* is an impossibility. Any Canal on which such a rule existed would in times of scarcity be dry far above its lower terminus. Restrictions on the quantity of water issued to any one cultivator, or to any one community, *must* be kept in view if equal justice is to be meted to all who come within range of the Canal's action.

12. Secondly, it is more than doubtful that all cultivators to whom Canal water can be given will willingly agree to an arbitrary increase of land rent in lieu of the demands now made by the Department. Such increase being fixed without any knowledge of the requirements of each cultivator one year with another. Certainly, on the Ganges Canal, in its present undeveloped state, such an innovation could result in nothing but a grievous failure.

13. Mr. Saunders (paragraph 32) alludes to the advantage to be derived by the abolition of measurements on the introduction of some system of contracts. Such a change would of course remove the whole of that large body of men who form the present measuring Establishment, and to whom, without doubt, much of the extortions which now brings odium on the Canal Department is due.

14. But the Lieutenant-Governor would point out that such a remedy would be only a partial one. Over and above the measuring Establishments there are numerous subordinates attached to every Canal whose practices are quite as detrimental to the good name of the Department. Of these the most prominent is the Conservancy Establishment already alluded to. It is for you to consider whether, even irrespectively of the introduction of contracts, this Establishment may not be diminished in numbers. One mode of doing this appears to be by inducing influential Zemindars to become responsible for the safety of Canal works, and the Lieutenant-Governor desires that you will give this measure full consideration.

15. Adverting to paragraph 33, I am to observe that Mr. Saunders evidently was not aware that for nearly six months of every year the Superintendent General and Deputy Superintendent General are out on their tours of inspection, and that during that time they visit nearly the whole of the several Canal Districts. On these terms the Officers named inquire into all cases of appeal brought before them, and give redress where it may be required, but of course it is chimerical to suppose that they can put a stop to the corrupt practice of the Native Establishments. The only practical remedy is that above suggested, *viz.*, the diminution of the numbers of those who, with inadequate salaries, are placed in positions of great power for evil.

16. In conclusion, I am to request that, in submitting the Report called for in my No. 2994A., you will prominently notice the various points referred to in this address.



SUPPLEMENT TO The Calcutta Gazette.

WEDNESDAY, MARCH 5, 1862.

OFFICIAL PAPERS.

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Public Works Department.

Memorandum* on Roads in the Punjab for facilitating Export Trade, parti- cularly export of Cotton.

WITH a view to furnishing a reply to the enquiry how it is proposed to expend the money allotted to the Punjab in the present year for this object, the Cotton Statistics of the Punjab, according to the most recent Returns, (*Gazette Supplement*, August 28, 1861,) are exhibited in the accompanying Table.

The headings of the Columns sufficiently explain their contents. The most important to the present purpose are the results given in Columns VII., VIII., IX. and X.

Column VII. shows capability of soil of the several Districts for growing Cotton, under present circumstances of climate and culture.

Column VIII. shows the extent to which the Cotton capability of each District is at present turned to account.

Column IX. may be said to exhibit exporting capability after supplying home wants. Where the produce is large in proportion to the population, and the produce of neighbouring Districts small, in this relation exporting power is first expended locally. Where, after satisfying its neighbours' wants, a District has still spare produce or spare capability, it may be looked to for export in the larger sense.

The object of Column X. is to check, in connection with IX., the confessedly imperfect Returns given in Column X.

It seems probable from the average of the results that about 2lbs. of Cotton per annum is the amount required per head.

In some Districts the home consumption of Cotton is possibly, from different causes, less than the average requirement, whatever that may be; in Delhi, for instance, from a proportion of the inhabitants using English cloths and other imported fabrics; in the opposite extremity of the Province, the Peshawur Division, from the enlarged use of the woollen garments of Afghanistan and the Hills.

Three Maps, accompanying this memorandum, illustrate the facts given in the figured Statement which are of principal importance in connection with the present question.

1. Map showing the Cotton-productiveness of the several Districts (Column VII).

Districts producing under 500 maunds per square mile of Cotton-cultivated area,				
"	above 500 and under 750	"	"	white.
"	" 750	" 1,000	"	yellow.
"	" 1,000	" 1,500	"	light red.
"	" 1,500	"	"	dark red.
"	"	"	"	purple.

2. Map exhibiting relation of actual produce, over the whole area, to the population of each District (Column IX), that is, power of supplying local demands and capacity for exporting Cotton, raw or manufactured.

Districts producing under 2lbs. of Cotton per head of population,				
"	over 2lbs. and under 3	"	"	white.
"	" 3	" 4	"	yellow.
"	" 4	" 5	"	light red.
"	" 5	"	"	dark red.
"	"	"	"	purple.

3. Population Map (Column III).

Population under 50 per square mile,				
"	over 50 under 100	"	"	white.
"	" 100	" 200	"	yellow.
"	" 200	" 300	"	light red.
"	" 300	" 400	"	dark red.
"	" 400	" 500	"	purple.
"	" 500	"	"	brown.
"	"	"	"	dark brown.

Districts left uncoloured in Map 2 do not produce enough of Cotton for home use, and probably all, more or less, import from their neighbours.

* With reference to Circular of Secretary to Government of India, Public Works Department, No. 90 of 9th October 1861.

Districts coloured yellow in the same Map produce the assumed average required for home use, and cannot be expected to give much to others.

Districts coloured light red should be able to export more or less.

But most is to be expected from the remaining Districts coloured in the Map dark red and purple.

The general conclusions from the Maps and Figures are—

1. That the Districts which can best export at the present time are (in this order) Rohtuk, Jhung, Hoshiarpore, Shahpore, Dera Ghazee Khan, Goordaspore, Umballa, Sealkote, Gogaira, Mozuffurgurh, Goojrat, and Hissar.

2. That certain Districts, particularly Delhi, Hissar, Thanesur, Julundhur, Hoshiarpore, and Gogaira, might produce more Cotton than they do; and those of them which do not now export might become exporting Districts.

3. That in certain other Districts, (those left uncoloured in Map 1) Kangra, Ferozepore, Rawul Pindie, Goojrat, Jhelum, Huzara, Kohat, Dera Ghazee Khan, and Mooltan, Cotton lands have not been very productive, though, in consequence of the scanty population in some of them, they have even, from their moderately productive soil, been able to furnish Cotton for export.

With regard to the most unprofitable of these, Kangra, Ferozepore, Jhelum, Huzara, and Kohat, it remains to be ascertained—have they any land naturally well suited for Cotton, and is their present unproductiveness due to want of water, or defective culture, or any other remediable cause? The answer to this question will dictate the course to be pursued with reference to the encouragement of Cotton cultivation in these Districts, or its abandonment in favor of cereals or other crops for which the soil and resources are better suited. The two Hill Districts, Kangra and Huzara, will probably never grow Cotton very successfully, and it may perhaps in those Districts gradually give place to tea.

The Districts in the second category above have greater capability for Cotton cultivation than is at present turned to account in the production of Cotton. But it may be that their culturable area is as profitably occupied with other crops:—this is probably the case in Jullundhur. Or that they have considerable extent of unproductive land, either destitute of water or incapable of cultivation:—this is probably the case with some parts of Hissar. The determination of these points will indicate what should be done with respect to Cotton in these Districts.

These collateral questions are here merely glanced at; the question under consideration relates to facilities now to be provided for present, actual or possible export of Cotton and other products.

So far with reference to Cotton only. The export of grain from the Punjab is considerable and important. Nearly the whole country has great capabilities for growing grain, and good roads should communicate with the rivers from the principal wheat growing Districts. There are no general Returns available of cereals and other produce, but the Julundhur Doab may be assumed as one of the parts of the country best capable of exporting wheat. This fertile and highly cultivated tract is also prepared to supply sugar in large quantity, but probably only to other parts of the country, not for foreign export.

Other products, flax, &c., may demand means of export hereafter.

Besides the export of products of the country, the export of goods imported from the countries on the north is important. Of these the great entrepôt is Umritsur. The Railway and rivers provide for this trade export.

Gathering these conclusions, notice will now be taken in succession of the Districts principally demanding good roads leading to the main channels of export, by land or water, existing or in course of execution.

The fourth accompanying Map shows present lines of road in the Punjab.

A Map prepared from the Returns called for in accordance with the instructions received from the Government of India, in letter No 1807 of the 28th May last, exhibits the roads in three classes. 1. High roads metalled and bridged throughout, (Lahore and Peshawur Road included, as belonging to roads of this standard though only in progress). 2. Made roads, unmetalled, partially or wholly embanked and bridged. 3. Minor roads, not embanked, unmetalled and unbridged. In the accompanying small Map the roads of the third class have, for the sake of clearness, been omitted.

The largest excess of Cotton produce is in the Districts of Rohtuk, Jhung, and Hoshiarpore.

Rohtuk.—In the *Gazette Supplement* above referred to, it is stated that “some of the exports from Rohtuk are to the Punjab, and some to the Lower Provinces.” The outlet from the country, in the latter of these two directions, is the route which it is desired to facilitate. The road from the city of Rohtuk to the Jamna at Delhi is embanked and partially metalled. To the improvement and completion of this as a metalled road part of the funds now made available for this purpose may be appropriated.

Jhung has command of the rivers Chenab and Jhelum for outlet. Carriage is principally on Camels, and little is required to make the roads passable for them. To the improvement of the chief roads to the rivers from the principal Cotton localities in the interior of the District, a small sum may be allotted. Of this District, which produces at present so much in excess of its own wants, the soil is reported to be well suited for Cotton, and to be well capable of growing it more extensively if provided with the means of irrigation. At present it does not export Cotton. It produces annually more than twice the quantity of Cotton grown in the neighbouring District of Mozuffurgurh, and nearly twice the amount per head of population, but it furnishes no Cotton for export, whilst Mozuffurgurh exports 7,000 maunds. It is a manufacturing District, and instead of exporting raw Cotton, exports coarse Cotton cloths largely to Afghanistan.

Hoshiarpore stands highest of all the Districts in Cotton productiveness, and very high in regard to surplus produce.

The remark in the *Gazette Supplement* Statement regarding Trans-Sutlej States, appears at first sight inconsistent with the facts exhibited by the figures. “The exports from Julundhur are usually to Hoshiarpore and Kangra” Jullundhur, which produces very little above the apparent average demand for home use, exports that little, and is said to export it to Hoshiarpore, which produces nearly three times the amount it requires for home consumption, and, instead of largely exporting, is thus said to import from a neighbour which has smaller supply of its own.

The explanation is that Hoshiarpore manufactures extensively and exports the manufactured goods. The Deputy Commissioner in reply to enquiry on the subject has reported that above half a lakh of Rupees worth of manufactured Cotton goes yearly to the Hills and above half a lakh is sold to Cabul Merchants. The cloth made in the villages is bought up in certain towns and thence exported or sold wholesale.

The roads from Hoshiarpore to the Trunk Road, at Jullundhur for the west, and at Phugwara for the south, should receive a portion of the money now offered.

The road from Hoshiarpore to Jullundhur, twenty-four miles, is partly embanked, partially metalled twelve feet in width, with two torrent beds unbridged, and one bridge required at Amudpore.

The road from Hoshiarpore to Phugwara, twenty-three and a half miles, is not embanked, is unmetalled and unbridged. One large Bridge is required over the Beza Nullah.

The District next in order with respect to surplus produce of Cotton for export is *Shahpore*. Shahpore possesses the means of export to the sea by the rivers Jhelum and Chenab. The remark regarding interior roads, made above with respect to Jhung, is applicable to Shahpore.

Dera Ghazee Khan exports a considerable amount of Cotton,—9,000 maunds. (The annual export is by mistake given in the *Gazette Supplement* as 36,000 maunds.)

With all the advantage of abundant Canal irrigation for a Cotton crop, the productiveness of its soil is reported very low. But as Cotton is now one of its standard crops and articles of export, improved culture may increase its productiveness. This District has the Indus for its great export channel, accessible within a short distance from every part. Passable roads are easily and cheaply made, and a small sum might be devoted to roads from the principal Cotton lands to the river.

Goordaspore exports towards Lahore. The road now in progress from Pathankote to Umritsur, will supply what is required for this District, which also has the advantage of the Baree Doab Canal, both for irrigation and for export of its produce.

Next in order is *Umballa*. It is said, in the published Statement referred to, to export very little, though it would appear that it ought to be able to export. In reply to a reference on this point, it has been ascertained that the quantity exported is about one-fourth of the whole produce. Of this, about one-third goes to the Hills and two-thirds to the markets of Lahore and Umritsur. There does not appear to be any great export of manufactured Cotton. This District has the Trunk Road within a moderate distance at all parts. Nothing is proposed in connection with the present question for Umballa.

Sealkote exports towards Mooltan. Of all the Districts it has the largest proportion of its area under Cotton cultivation. Its means of export should be aided.

The road from the City of Sealkote to the Chenab at Wuzerabad, twenty miles, is embanked and bridged, but unmetalled.

The road from Sealkote to the Trunk Road at Goojranwala, twenty-five miles, bridged, not embanked, unmetalled.

There is a constant cart traffic along both these roads.

To each of these an allotment from the money now available is recommended.

Gogaira appears to have surplus produce, but is said to export nothing. It has some canal irrigation; it has, for means of export, the Sutlej on side, and on the other, the Ravee; and will ere long have the rail to Mooltan, where produce, availing itself of this mode of conveyance so far, would take the more suitable means of export carriage by water. Encouragement should be given to the cultivation of Cotton in this District. Meantime, for roads from the Cotton growing parts of the interior to the Sutlej, funds when available should be allotted.

Mozuffurgurh, between the Chenab and the Indus, has excellent facilities for export, and does now export down those rivers. Nothing proposed at present for Mozuffurgurh.

Goojrat exports Cotton to Cashmere. For export to the sea it has the Chenab and Jhelum, and the Trunk Road running through the District communicating with both these rivers. Nothing is proposed out of this $\frac{1}{4}$ lakh for this District.

Mooltan is said to export a considerable quantity of Cotton. The amount stated appears more than it could afford to part with, if the other figures are correct. The District is well provided with the means of export by water; roads from the Cotton lands in the interior to the rivers should have attention. A small provision is recommended for them from the present allotment.

Delhi, Kurnal, Lahore, Goojranwala, export Cotton chiefly to adjoining Districts. The quantity stated is questionable in the case of Kurnal, seeing how little it would keep for its own use. These Districts are all provided with the means of export by Trunk lines of road and by the Jumna. Roads from the interior to these exporting channels should, as in the other similar cases, be aided where necessary. Nothing is proposed for them at present.

The Kusoor Pergunnah of the Lahore District grows Cotton extensively, without irrigation. It is stated by the Deputy Commissioner to be grown only in very favorable years. The produce is sent to Ferozepore and thence to Bombay by water. The Lahore and Ferozepore Road, now in course of execution, passes through Kusoor.

Dera Ismail Khan ought to be able, apparently, to export more than it does. This District manufactures and exports the goods to Afghanistan.

Goorqan exporting its whole produce, as stated in the published paper referred to, and keeping nothing for itself, is assumed to be a mistake. It can scarcely afford at present to export any large quantity. The whole Cotton of the District is a scanty supply for its own use.

Lower in the scale of Cotton export capability it does not seem necessary to go for the present purpose.

Rawul Pindie, Peshawur, and Kohat, all said to export small quantities, cannot, it will be seen from the figures in Columns VII. and IX., be looked to for much or early increase of exporting power.

The recommended distribution of the present allotment is—

Rohtuk to Delhi, metalling and improvement,	Rs. 18,000
Hoshiarpore to Jullundur, bridging or metalling	„ 12,000
Hoshiarpore to Phugwara, ditto	„ 15,000
Sealkote to Wuzerabad, { Small improvements.	
Sealkote to Wuzerabad, { Funds for metalling	„ 3,000
Sealkote to Goojranwala, { could not be afforded	
Sealkote to Goojranwala, { out of the present allot-	„ 3,000
Sealkote to Goojranwala, { ment,	
Roads from Cotton lands to rivers in <i>Mooltan</i>	
<i>Division</i> ...	„ 8,000
Ditto ditto <i>Shakpore District,</i>	„ 8,000
Ditto ditto <i>Dera Ghazee Khan District,</i>	„ 8,000
Total Rs. ...	75,000

Cotton grown within British Territory alone has above been taken into consideration. Of the amount and value of Cotton produced in the Native States connected with the Punjab there are no Returns. Information should be obtained on this subject, and the attention of the Native Rulers might be specially directed to the encouragement of Cotton cultivation and export, as a matter of importance to their interests and to the prosperity of their people and country.*

One other measure of much importance in connection with the question of Cotton export is the establishment of Presses for packing the bales in more advantageous mode for carriage before the Cotton is started on its long journey to the Coast. When carried in the loose form, it gathers in transit much dirt and impurity before being subjected to the Press at the port of embarkation, as is now the case with the Cotton conveyed on droves of baggage animals over the hill roads

from the Cotton Districts of Bombay to the sea. It would be of great value to the Cotton export trade of the Punjab to have Presses established at a few convenient Stations, which could receive the cotton of a considerable extent of country as near as possible to the place of its production.

Mr. Coates, of Ferozepore, has had a Cotton Press at work for some time, and found difficulty in getting the people to use it. In answer to an enquiry as to the cause of this, it appears that as the Cotton was not cleaned till arrival at Bombay, the Merchants objected to pressing it uncleaned, before despatch, as the Cotton was damaged by pressing with the seed. Cleaning is to be arranged for in connection with or previous to pressing.

The positions recommended for the establishment of Presses in the first instance are—

1. Delhi, for the Districts between the Sutlej and Jumna, before despatch down the latter river.
2. Umritsur, for the Jullundhur Doab, and Districts of the Umritsur Division, before despatch by rail to Lahore and Mooltan.
3. Mooltan, for the Districts on the convergent rivers of the lower Punjab, before despatch by boat or steamer for Kurrachee.

This is properly a matter for the Cotton growers or Cotton Agents to look to; but, like many other advantageous commercial or industrial arrangements in this country, it may be necessary for Government to take the lead; with the view, afterwards when all is working successfully, of making over the management to private enterprise.

Lahore, 28th November 1861.

TABULAR STATEMENT of Cultivation and Export of Cotton (Punjab) 1861.

DISTRICTS	I.	II.	III.	IV.	V.	VI.	VII.	VIII.	IX.	X.	XI.
Area.	Population.	Population per square mile.	Area under Cotton cultivation.	Proportion of whole area under Cotton cultivation.	Estimated annual produce.	Annual produce per square mile of Cotton-cultivated area.	Annual produce per square mile of total area.	Annual produce per head of population.	Estimated annual export.	Left for home use per head.	
Square Miles.			Square Miles.		Maunds.	Maunds.	Maunds.	lbs.	Maunds.	lbs.	
Delhi ...	786	2,73,479	347	6,527	006833	8,422	1,290	10.7	2.4	5,615	82
Goorgaon ...	2,000	6,86,089	342	15,500	00775	10,000	645	5.0	1.1	10,000	...
Kurnaul ...	1,271	3,69,085	282	15,500	01219	10,250	661	8.1	2.3	6,833	73
Hissar ...	3,156	2,61,146	82	12,400	00394	10,651	855	3.3	3.2	...	3.2
Rohtak ...	2,171	4,51,005	207	50,802	02340	65,552	1,290	30.1	11.1	32,776	5.8
Sirsa ...	3,219	1,45,870	45	...	000002	5	713	0.01	00017	...	00017
Umbala ...	1,829	7,23,592	395	46,500	02542	36,000	774	19.6	3.9	...	3.9
Thanesur ...	2,338	3,11,887	251	4,196	00206	4,195	1,000	2.0	0.63	...	0.63
Loodiana ...	1,377	5,25,436	381	27,900	02026	18,000	645	13.0	2.7	...	2.7
Simla ...	...	27,786	...	...	...	...	...	...	...	...	...
Jullundhur ...	1,347	6,98,169	518	21,275	01579	21,711	1,020	16.1	2.4	3,500	2.0
Hoshiarpore ...	2,188	8,33,817	381	31,000	01415	30,000	1,935	27.36	5.7	...	5.7
Kangra ...	3,206	7,18,955	224	21,807	00680	5,627	258	1.75	0.2	...	0.2
Unaritsur ...	2,024	8,84,129	437	24,460	01208	17,752	725	8.75	1.6	...	1.6
Goordaspore ...	1,675	7,87,417	470	48,330	02885	40,534	838	24.2	4.1	25,000	1.5
Sealkote ...	1,350	6,41,782	475	40,864	03027	20,650	725	21.9	3.6	4,012	3.1
Lahore ...	3,608	6,62,338	183	36,972	01024	19,475	526	5.4	2.3	6,492	1.5
Gooranwala ...	2,651	4,20,753	159	23,417	00684	15,127	645	5.7	2.8	3,500	2.1
Ferozepore ...	2,730	4,75,624	174	5,037	00184	1,930	387	7	0.32	...	0.32
Rawul Pindie ...	5,996	5,53,750	92	25,485	00420	12,331	483	2.0	1.7	525	1.7
Gograt ...	1,886	5,90,167	265	45,013	02300	21,054	467	11.1	3.3	7,018	2.3
Jhelum ...	3,684	3,75,800	162	19,000	00516	6,692	352	1.8	1.4	...	1.4
Shebore ...	6,500	2,61,693	40	23,250	00357	16,937	586	2.4	4.8	5,000	3.4
Peshawur ...	2,324	4,50,099	193	12,400	00530	6,200	500	2.6	1.0	1,000	0.9
Huzara ...	2,424	2,96,364	122	17,050	00760	6,050	364	2.5	1.6	...	1.6
Kohat ...	2,840	1,16,293	40	5,115	00180	1,550	333	1.6	1.0	775	0.3
Dera Ghazee Khan ...	6,531	2,38,950	35	27,900	00430	13,500	483	2.1	4.8	3,000	5.3
Dera Ismail Khan ...	5,745	4,34,180	75	19,085	00340	12,740	645	2.2	2.3	700	2.2
Bunnoo ...	4,500	2,37,567	52	13,485	00290	8,265	612	1.8	2.7	...	2.7
Mooltan ...	5,634	4,11,386	73	29,716	00527	14,704	496	2.6	2.8	9,816	0.8
Mozufferghur ...	2,849	2,46,912	86	17,050	00388	11,000	645	3.3	3.5	7,333	1.1
Jhung ...	5,314	2,64,314	49	23,440	00438	22,684	972	4.2	6.8	...	6.8
Gogatra ...	5,553	3,08,029	55	17,135	00308	13,819	806	2.5	3.6	...	3.6

* Letters have been addressed to Jummoo, Pattiala, Nabha Jhesnd, Bahawalpore, Muler Kotla, Kulsia, Patoulee, and Loharoo.

From LIEUTENANT-COLONEL A. G. GOODWYN, Under-Secretary to the Government of India, Public Works Department, to the Secretary to the Government of the Punjab, in the Public Works Department,—(dated the 26th February 1862.

SIR,—I AM directed to acknowledge receipt of Lieutenant Newmarch's Docket dated 28th November 1861, forwarding a Memorandum prepared by you regarding roads for facilitating the Export Trade of the Punjab, more especially the export of Cotton.

2. It is suggested that Cotton Presses should be established by Government at Delhi, Umritsur, and Mooltan, and that arrangements should be made for cleaning the Cotton previous to pressing, and His Honor the Lieutenant-Governor remarks, that, in this as in many other advantageous, commercial or industrial arrangements, it may be necessary for Government to take the lead.

3. In reply, I am directed to state that the Governor General in Council cannot recognize this necessity. It is matter in which no extraordinary risk, beyond what may attend any commercial experiment, is involved, and in which no countenance or assistance from Government authority is required. If the Government were to set the example of cleaning the Cotton and pressing it, those to whom that business really appertains in England and in India would probably be greatly misled, and anything but encouragement to the Cotton trade with England would result.

6. The Governor General in Council commends the labour and intelligence shown in the preparation of this highly interesting Report, which, together with this reply, will be published in the *Supplement to the Calcutta Gazette*.



APPENDIX TO
The Calcutta Gazette.

WEDNESDAY, MARCH 5, 1862.

LAND SALE NOTICE.

NOTICE is hereby given, under Section VI., Act XI. of 1859, that the undermentioned Estates, in Zillah Sylhet, will be put to Public and Unreserved Sale at the Collector's Office of that District on Wednesday, the 26th March 1862, corresponding with 14th Chytra 1268, B. S., for arrears of Revenue and other demands, which, by the Regulations and Acts in force, are directed to be realized in the same manner as arrears of Revenue due on the 18th day of January 1862:—

1st Class.—Permanently-settled Estates.

No. 17332.—Talook Roy Gour Hurree Singh, Pergunnah Chytannugger; recorded proprietor, Roy Radhagobind Singh; sudder jumma, Rupees 976-11-3.

No. 27503.—Talook Allum Roza Zemindar, Pergunnah Joar Baneah Chong; recorded proprietors, Shanam Uddee and others; sudder jumma, Rupees 645-15-7.

No. 27504.—Talook Adum Roza Zemindar, Pergunnah Joar Baneah Chong; recorded proprietor, Kisto Churun Doss; sudder jumma, Rupees 742-3-0.

No. 28509.—Talook Gobind Raj Kissen Chowdry, Pergunnah Bethungle; recorded proprietors, himself and others; sudder jumma, Rupees 880-0-0.

No. 31185.—Talook Adum Roza Zemindar, Pergunnah Joar Baneah Chong; recorded proprietors, himself and others; sudder jumma, Rupees 1,335-4-1.

No. 40981.—Talook Chytun Chaund, Pergunnah Chytunnugger; recorded proprietor, Roy Radhagobind Singh; sudder jumma, Rupees 992-10-3.

No. 47031.—Talook Roy Gour Hurree Singh, Pergunnah Phanoogatch; recorded proprietor, Roy Radhagobind Singh; sudder jumma, Rupees 1,693-0-3.

No. 51783.—Talook Sheik Gullam Allee, Pergunnah Sathgon; recorded proprietors, himself and others; sudder jumma, Rupees 1,527-0-8.

No. 52270.—Talook Roy Gour Hurree Singh, Pergunnah Chytunnugger; recorded proprietor, Kisto Churun Doss; sudder jumma, Rupees 2,548-11-1.

No. 54721.—Talook Syud Mahomed Nazir, Hessah Syud Mahomed Bateer, Pergunnah Turuff; recorded proprietors, Nobo Kissen Mojomdir and others; sudder jumma, Rupees 2,768-12-8.

No. 54727.—Talook Syud Ahamed Allee, Hessah Syud Mudon Roza, Pergunnah Turuff; recorded proprietors, Ram Bulhub Deb and others; sudder jumma, Rupees 2,784-3-2.

No. 54729.—Talook Syud Ahamed Allee, Hessah Syud Kyme Roza, Pergunnah Turuff; recorded proprietors, Joy Gobind Roy and others; sudder jumma, Rupees 1,934-8-6.

No. 54732.—Talook Syud Ahamed Allee, Hessah Syud Kullim Roza, Pergunnah Turuff; recorded proprietors, Joy Gobind Roy and others; sudder jumma, Rupees 718-12-10.

No. 54937.—Talook Shaha Rezoon Uddee, Pergunnah Turuff; recorded proprietors, Sham Ram and others; sudder jumma, Rupees 722-3-2.

No. 54938.—Talook Shaha Jebul Abdee, Pergunnah Turuff; recorded proprietors, himself and others; sudder jumma, Rupees 579-1-1.

No. 56506.—Talook Syud Abdul Hussen, Hessah Syud Asgur Hussen, Pergunnah Goda Hussenugger; recorded proprietors, Mahomed Ariff and others; sudder jumma, Rupees 658-0-0.

SYLHET COLLECTORATE,
The 25th February 1862.

Offg. Collector.



SUPPLEMENT TO The Calcutta Gazette.

SATURDAY, MARCH 8, 1862.

OFFICIAL PAPERS.

A SUPPLEMENT to the GAZETTE will henceforward be published, weekly or twice a week, according to circumstances, containing such Official Papers and Information as the Government of India may deem to be of interest to the Public, and such as may usefully be made known.

Non-Subscribers to the GAZETTE may receive the SUPPLEMENT separately on a payment of six Rupees per annum if delivered in Calcutta, or twelve Rupees if sent by Post.

No Official Orders or Notifications, the publication of which in the GAZETTE is required by Law, or which it has been customary to publish in the GAZETTE, will be included in the SUPPLEMENT. For such Orders and Notifications the body of the GAZETTE must be looked to as heretofore.

Government of India.

Abstract of the Proceedings of the Council of the Governor General of India assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament 24 and 25 Vic., c. 67.

THE Council met at Government House on Wednesday, the 5th March 1862.

PRESENT :

His Excellency the Viceroy and Governor-General of India, *presiding*.
His Honor the Lieutenant-Governor of Bengal.
His Highness the Maharajah of Puttiala, K. S. I.
The Hon'ble Sir H. B. E. Frere, K. C. B.
The Hon'ble Cecil Beadon.
The Hon'ble S. Laing.
The Hon'ble W. Ritchie.
The Hon'ble H. B. Harington.
The Hon'ble H. Forbes.
The Hon'ble C. J. Erskine.
The Hon'ble W. S. Fitzwilliam.
The Hon'ble D. Cowie.
The Hon'ble Rajah Deo Narain Singh Bahadoor.
The Hon'ble Rajah Dinkar Rao Rugonauth Bahadoor.

The Hon'ble MR. RITCHIE presented the Report of the Select Committee on the Bill to amend Act XLVI of 1860 (to authorize and regulate the emigration of Native Laborers to the French Colonies.)

The Hon'ble MR. BEADON introduced the Bill to provide for the service of legal process issued against His Majesty the King of Oude, and for

taking the examination of His said Majesty when required as a witness, and moved that it be referred to a Select Committee, with instructions to report in a fortnight.

The Motion was put and agreed to.

The Hon'ble MR. RITCHIE introduced the Bill for the better protection of the public against bad Coin, and moved that it be referred to a Select Committee.

The Hon'ble RAJAH DINKAR RAO said that he did not think that this Bill should be passed, because it was improper not to restore the metal after the Coin had been reduced to the metallic state. The Bill provided that, if it was suspected that a man was knowingly in possession of counterfeit Coin, his case might be sent to a Magistrate. But it was difficult to determine whether the Coin was kept with a guilty knowledge, and he thought that the existing law for restoring debased Coin after it was reduced to metal was sufficient. The Penal Code already provided for offences respecting the Coin, and he thought it undesirable to legislate further on the subject when that Code had only been in operation for two months.

The Hon'ble RAJAH DEO NARAIN SINGH said that he thought the Bill unobjectionable, except in respect of an ambiguity in the wording of Section II. That Section left it open to doubt whether the unlawful possession of silver and gold filings, &c., was to be considered proved, and to entail their forfeiture when such filings, &c., were found alone, or only when they were found together with the instruments used in obtaining them, or instruments for making counterfeit Coin. He would suggest that such forfeiture should only occur, and the possessors of such filings should only be liable to conviction, when they were found together with such instruments.

The Hon'ble MR. RITCHIE said that the objections of the Rajah Dinkar Rao did not touch the

principle of the Bill. It was undesirable that the law here should deal more tenderly with the offence contemplated than the English law did. The principle was that every person should be entitled to receive back metal, of which counterfeit Coin consisted, if he could give a satisfactory explanation of the mode in which such Coin came into his possession. The Rajah was mistaken in supposing that the law at present authorized the breaking up of bad Coin. There was considerable doubt upon the subject, and the object of the Bill was to reduce the law on the subject to a certainty. The suggestion of the Rajah Deo Narain Singh was entitled to much consideration, and might properly be submitted to the Select Committee.

The Motion was put and agreed to.

The Hon'ble MR. RITCHIE introduced the Bill to amend Chapter XII of the Indian Penal Code and to provide for certain offences against the Coin, and moved that it be referred to a Select Committee.

The Hon'ble MR. HARRINGTON said that he was compelled on this occasion, as he had been on the introduction of Mr. Beadon's Bill to provide for the punishment of whipping, to object to the form of the Bill. The present Bill he considered even more objectionable inasmuch as it mixed up substantive Criminal Law, Criminal Procedure, and provided new laws for the Straits' Settlement. At the least he considered that there should be two Bills, one to amend the Penal Code, and the other to amend the Code of Criminal Procedure. Great advantages had been conferred on the public during the administration of the present Governor-General by the passing of many Acts complete in themselves, which swept away a number of previous Regulations in which various provisions were combined in an indiscriminate mass. The good thus effected should not be undone, and the Council should be careful not to drift back to the confused legislation of former days. Turning from the form to the substance of the Bill, he enquired if the Penal Code, which had been for twenty-five years under the consideration of so many able jurists, had omitted by accident the provision contained in the second Clause of Section I of this Bill? He must reject that supposition, and conclude that the subject had been considered, and that it had been decided to omit the provision. Turning to the original Code, he found that his conjecture was correct. In their Note to the Chapter relating to Coin he found the following observations by the Law Commissioners:—

"We considered whether it would be advisable to make it an offence in a person to have in his possession at one time a certain number of counterfeit Coins without being able to explain satisfactorily how he came by them. It did not, after much discussion, appear to us advisable to recommend this or any similar provision. We entertain strong objections to the practice of making circumstances which are in truth only evidence of an offence part of a definition of an offence; nor do we see any reason for departing in this case from our general rule.

"Whether a person who is possessed of bad money knows the money to be bad, and whether, knowing it to be bad, he intends to put it into circulation, are questions to be decided by the tribunals according to the circumstances of the case, circumstances of which the mere number of the pieces is only one, and may be one of the least important. A few bad Rupees which should evidently be fresh from the stamp would be stronger evidence than a greater number of

bad Rupees which appeared to have been in circulation for years. A few bad Rupees, all obviously coined with the same die, would be stronger evidence than a greater number obviously coined with different dies. A few bad Rupees placed by themselves, and unmixed with good ones, would be far stronger evidence than a much larger number which might be detected in a large mass of treasure."

These remarks applied especially to the offence in Clause 2 of Section I, but they also bore on the offence in Clause 1. He would not contend that the Penal Code was perfect. But looking to the time it had occupied, the care bestowed on it, the ability of the men engaged on it, and the short time, not amounting to three months, in which it had been in operation, he thought it was premature to add to it provisions which had been deliberately omitted by the framers. The Penal Code, as it stood, contained several provisions with respect to the possession of counterfeit Coin, and he believed that those provisions were sufficient to protect the public. The additions proposed by Mr. Beadon's Bill stood on a different footing. They were embodied in the Penal Code as amended by the Select Committee, and were taken out of it to be embodied in a separate Bill and separately considered, in order to prevent delay in the passing of the Code.

The Hon'ble RAJAH DINKAR RAO said that he objected to this Bill because he thought that the new offences enumerated in it would be difficult to be brought home to the offender, and the law, therefore, would be the case, of oppression to the people. The subject of this Bill had already been treated in the Penal Code, and that Code had only been two months in operation.

The Hon'ble MR. ERSKINE stated that he recognized the weight of many of the remarks made by Mr. Harrington, and his attention also had been arrested by the Note of the Law Commissioners in the Penal Code. Mr. Harrington's objection extended to both Clauses of the 1st Section. But he did think that in the Penal Code there was a deficiency. Its provisions only extended to materials with which an offence was hereafter to be committed, but there was no provision in respect of materials with which an offence had already been committed. The case was analogous to that of the possession of stolen property. A case might arise in which a person made a trade of receiving filings from Coin; but it was doubtful if this was a matter of sufficient importance to warrant an amendment of the Penal Code. He could not at all assent to the second Clause of Section I, and entirely concurred with the Note in the Penal Code on the subject. It might not be an offence to receive the Coin or to retain it, and it was admitted that it might be right to give the possessor the material, of which the Coin he had incautiously received, consisted. Many Coins might be received in the course of a single forenoon over the counter by a large tradesman who could not prove that he had exercised caution in examining them. The provisions of the Bill respecting Procedure were very questionable. It would be well for the Council to consider how far it should legislate at all on Procedure which could be provided for by the Local Legislatures. The Penal Code stood on a different footing. That Code could not be amended without the sanction of the Governor-General. But the Procedure Code might be modified by the Local Legislatures to meet the requirements of other Presidencies;

and already two Bills had been introduced into the Bombay Legislature which did affect Procedure. Section IV of this Bill provided that the offences specified in the Bill should be tried under the provisions of the Code of Criminal Procedure. But a Local Legislature might desire to modify that Code, but would be prevented from doing so by its inability to amend this Act of the Council of the Governor-General. He thought that, if they passed a Bill thus settling the Procedure, it should be restricted to those Territories in which there were no Local Legislatures.

The Hon'ble RAJAH DEO NARAIN said that he was unable to see any special cause for the proposed amendments of the Penal Code. Amendments should only be made when a law had been proved defective in practice. Sufficient time had not yet elapsed to test the Penal Code. The proposed new Section 254a would entail great suffering on the public, as persons innocently in possession of Coin which had been diminished in weight would be liable to punishment. A man cutting a goldmohur in halves, using one-half for an ornament, and keeping the other, would be liable to be prosecuted, though his intentions were innocent. Section 254b would render the possessor of five or more Coins which had been diminished in weight liable to punishment. But it appeared to him that it would be very difficult to prove whether Coin had become lighter by fair or by foul means, for Coin was constantly changing hands, and was necessarily becoming worn. Or a servant or enemy might maliciously place five false or light Coins in a larger sum in order to get the owner convicted of an offence. In his opinion it was sufficient to provide that false or light Coin should be cut or broken, as ample punishments had been provided by the Penal Code.

The Hon'ble SIR BARTLE FRERE said that, with respect to the first offence provided under Section I, he thought that it stood on the same footing as the receipt of stolen goods, and therefore it might be necessary to provide for it if no adequate provision yet existed. As to the second offence he concurred with Mr. Erskine. It appeared to him that it might be well, instead of providing for the possession of counterfeit Coin without lawful excuse, which it would be the duty of the possessor to offer, to provide for the possession of such Coin under circumstances that raised the suspicion that it had not been received *bona fide*, or that it was intended to make unlawful use of it. He also agreed with the Rajahs Dinkar Rao and Deo Narain that it was undesirable to alter the Penal Code prematurely. But he could not go so far as Mr. Harington. He should be glad to see a case made out of practical inconvenience, such as existed in the former case that had been before the Council.

The Hon'ble MR. RITCHIE admitted the force of the objection to amendments of the Penal Code at the present time. But it did not appear to be sufficient to prevent the Council acting in a case like that before it. Mr. Harington argued as if the whole subject of offences relating to the Coin had been considered by the Law Commissioners and exhausted in Chapter XII of the Penal Code. If that were the case, no further action should be taken until some practical inconvenience arose. But he believed that such was not the case, and

that the law in the Penal Code differed from that previously administered and from the law in England, and that those who had principally to watch offences relating to the Coin found it to be insufficient. There was a law for the local jurisdictions of the Supreme Court making the possession of counterfeit Coin an offence that might be summarily punished. That offence was punishable with fine and forfeiture of the Coin, and it had enabled Magistrates to deal with such cases as the seizure of large numbers, amounting to 2,000 and 2,500 counterfeit Goldmohurs and of counterfeit Rupees, under circumstances which did not admit of any offence being brought home in the ordinary manner to any particular individual. If the law were to enable an offender in such cases to defeat a prosecution simply by holding his peace and putting his accuser to the proof, there would be no remedy at all. When the punishment was simply a fine, there was nothing revolting to the feelings in calling on the accused for an explanation if such a foundation of suspicion existed as his possession of more than a certain number of counterfeit Coins. He regretted to differ on such a question from the framers of the Penal Code, but it had recently been re-considered at home, and provisions similar to those of this Bill had been embodied in the Act of last year. The framers of the Penal Code probably considered the subject merely generally, and not as it would be considered specially by those who had much to do with the public Coin, or had frequent opportunities of discovering the circulation of counterfeit Coin. With respects to the form of the Bill, he proposed, in Select Committee, to consider generally the best mode of making amendments in the Penal Code and the Code of Criminal Procedure. He admitted that it was undesirable to mix up Procedure and Substantive Law, but in some cases it was difficult to sever them, and the mode of proceeding resolved itself into a question of convenience. He had already divided the new law of Coinage into two Bills; but if further separation were necessary, the present Bill must be divided into three, namely, for the Criminal Law, the Criminal Procedure, and the law for the Straits Settlements, but it was very desirable to avoid the unnecessary multiplication of Acts.

The Motion was put and agreed to.

The Hon'ble MR. RITCHIE moved for leave to bring in a Bill to provide for the dissolution of the Subordinate Medical Officers', Widows', and Orphans' Fund, and the distribution of the Funds belonging thereto. He stated that the Society which it was intended to dissolve had been established by the Subordinate Medical Officers of Government in 1851, at Ferozepore, the object being to provide for their Widows and Orphans, and the pensions were to be payable out of the interest on the Capital. But during the Mutiny all subscriptions stopped, and the affairs of the Society fell into so much confusion, that it was now necessary to afford relief by winding up the affairs through the medium of the Supreme Court in the manner adopted in 1856 in the case of the Bengal Mariners' and General Widows' Fund.

The Motion was put and agreed to.

The Hon'ble MR. BEADON moved that a Select Committee be appointed to consider all proposals that might be made to alter or amend the Rules for the conduct of business, and that the

Committee consist of the President, Mr. Ritchie, and Mr. Harington. He stated that there was such a Committee in the late Legislative Council, by whom all proposals for the amendment of the Standing Orders were considered prior to their introduction to the Council.

The Motion was put and agreed to.

The Hon'ble MR. RITCHIE presented a Petition from Monsieur Gustave Pietsch, Manager of the Comptoir d'escompte of Paris, which had established a Branch in Calcutta, and moved that it be referred to a Select Committee.

His Honor the LIEUTENANT-GOVERNOR suggested that no business could be transacted at a Meeting of Council, except in the passing of Rules, or the making of Laws and Regulations, and that this Petition did not appear to fall under either head.

His Excellency the PRESIDENT concurred with His Honor, and the Motion was withdrawn.

The following Select Committees were named:—

On the Bill to provide for the service of legal process issued against His Majesty the King of Oude, and for taking the examination of His said Majesty—the Hon'ble Messrs. Beadon, Ritchie, Forbes, and Erskine.

On the Bill for the better protection of the public against bad Coin—the Hon'ble Messrs. Ritchie, Harington, Erskine, Fitzwilliam, and Cowie.

On the Bill to amend Chapter XII of the Indian Penal Code and to provide for certain offences against the Coin—the Hon'ble Messrs. Ritchie, Harington, Erskine, Fitzwilliam, and Cowie.

The Council adjourned till Wednesday, the 12th instant, at 11 A. M.

M. WYLIE,

*Depy. Secy. to the Govt. of India,
Home Department.*

CALCUTTA,
The 5th March 1862. }

Foreign Department.

Abolition of duty on Cotton in the Gwalior Territory.

From MAJOR R. J. MEADE, Agent to the Governor-General for Central India, to COLONEL H. M. DURAND, C. B., Officiating Secretary to the Government of India, Foreign Department,—(dated Camp Duttia, the 22nd February 1862.)

SIR,—I HAVE the honor to forward herewith, for submission to His Excellency the Governor General of India, a Khureeta from Maharajah Scindia to His Excellency's address, intimating that he has abolished the duty on Cotton within his Territory, and has taken measures to remove all existing obstructions to the passage of this article through the Gwalior State.

2. I have, at various times within the last year, had conversations with the Maharajah on this subject, but His Highness could not hitherto

make up his mind to the sacrifice of so large an item of Revenue.

That he has now done so, will, I trust, be a subject of satisfaction to the Governor-General.

3. An English translation of the Khureeta is also enclosed.

Translation of a letter from His Highness Maharajah Scindia, to His Excellency the Governor-General of India,—(dated the 18th February 1862.)

AFTER COMPLIMENTS,—WHEREAS the prosperity and convenience of the people in general are objects which I ever keep sincerely in view, and whereas to afford facility to trade and communication I had, in 1856, the pleasure of remitting transit duties on the three roads in my Territory leading to Etawah, Furruckabad, and over the Sindh River, Notifications of which were then issued throughout my Dominions, and information of the same conveyed, through Sir Robert Hamilton, the late Agent, Governor-General for Central India, to your Excellency, who was pleased to acknowledge the same in your letter to me dated 28th July 1856, I have now had under consideration the remission of transit duties on the staple article of Cotton, with a view to increase the trade of that article and to meet the increasing demand for it in England, and also in the hope that I shall thereby give satisfaction to your Excellency.

The carrying out of the measure will involve a loss of Revenue of about fifty thousand Rupees annually; but influenced by the abovementioned motives, I have decided to instruct my local authorities in no way to obstruct or interfere with the passage of Cotton, "duty free," within my Territory.

(True Translation.)

(Signed) R. J. MEADE, Major,
Agent, Governor-General for Central India.

From the Governor-General, to MOOKTAR OOL MOOLK UMDATUL UMRA ALIJAH MAHARAJAH DHEERAJ JYAJEE RAO SCINDIA SREENATH BAHADOOR MUNSOOR ZUMAN, Knight of the Most Exalted Order of the Star of India, Gwalior,—(dated Fort William, the 4th March 1862.)

MY HONORED AND VALUED FRIEND,—I HAVE received your Highness' letter of the 18th of February, informing me that, influenced by the desire to increase the trade in Cotton and to meet the demand for it in England, your Highness has remitted the transit duties on that article within your Territory at a loss of about fifty thousand Rupees to your Revenues, and that the passage of Cotton through the Gwalior State will henceforward be free of duty.

Your Highness has rightly judged that this measure would give me satisfaction. I hear of it with the greatest pleasure, and I beg your Highness to accept my sincere thanks and congratulations upon this new proof of your Highness' determination to rule your Country in a liberal and enlightened spirit.

I beg to express the high consideration I entertain for your Highness, and to subscribe myself,

Your Highness' Sincere Friend,

(Signed) CANNING.



SUPPLEMENT TO The Calcutta Gazette.

SATURDAY, MARCH 15, 1862.

OFFICIAL PAPERS.

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Government of India.

Abstract of the Proceedings of the Council of the Governor General of India assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament 24 and 25 Vic., c. 67.

The Council met at Government House on Wednesday, the 12th March 1862.

PRESENT :

His Excellency the Viceroy and Governor-General of India, *presiding*.
His Honor the Lieutenant-Governor of Bengal.
His Highness the Maharajah of Puttiala, K. S. I.
The Hon'ble Sir H. B. E. Frere, K. C. B.
The Hon'ble Cecil Beadon.
Major-General the Hon'ble Sir R. Napier, K. C. B.
The Hon'ble S. Laing.
The Hon'ble W. Ritchie.
The Hon'ble H. B. Harington.
The Hon'ble H. Forbes.
The Hon'ble C. J. Erskine.
The Hon'ble W. S. Fitzwilliam.
The Hon'ble D. Cowie.
The Hon'ble Rajah Deo Narain Singh Bahadoor.
The Hon'ble Rajah Dinkar Rao Rugonauth Bahadoor.

The Hon'ble MR. RITCHIE moved that the Report of the Select Committee on the Bill to amend Act XLVI. of 1860 (to authorize and regulate the Emigration of Native Laborers to the French Colonies) be adopted, and that the Bill be passed.

The Motion was put and agreed to.

The Hon'ble MR. RITCHIE postponed the introduction of the Bill to provide for the administration of Civil and Criminal Justice at Aden.

The Hon'ble MR. HARRINGTON introduced the Bill to repeal certain Regulations and Acts relating to Criminal Law and Procedure, and moved that it be referred to a Select Committee with instructions to report in one month. He stated that the Bill had already been six months before the Public, and its further delay for the usual period therefore would not be necessary.

The Hon'ble MR. RITCHIE said that he felt that a great debt of gratitude was due to Mr. Harington for the great labor he had bestowed on this Bill. It was sufficient to look at the Schedule of the Bill to observe at once how large and important a task had been accomplished.

The Motion was put and agreed to.

His Excellency the PRESIDENT moved for leave to bring in a Bill entitled "A Bill to provide for the succession to and the rights in respect of certain talookas and granted estates in Oude, and for the jurisdiction of the Courts of that Province in suits relating to land." He stated that, in moving for leave to introduce this Bill, it was necessary to explain the objects which the Government had in view. The Council would bear in mind some circumstances connected with the restoration of British supremacy in Oude. In 1858 and 1859, after the Province had been recovered from rebellion, and the authority of the Queen had been vindicated, many Grants were made of lands which had previously been confiscated to Government. In some cases those Grants were made to proprietors who had forfeited their rights, but to whom the favor of Government was extended, and who were permitted to re-enter upon their estates; in other cases, to proprietors who had remained in possession of their own estates and received additions thereto in consideration of their services; and in

numerous instances, to persons who had had no previous connection with the soil of Oude, but who were brought into the Province there to receive the rewards which they had earned. The terms on which those Grants were made were recorded, and a Summary Settlement was effected. The terms declared that each grantee had received a permanent, hereditary, and transferable right in his estate. The Governor-General, who was then exercising all the powers of the Governor-General in Council, sanctioned those conditions which the present Bill would now re-affirm. After the Grants had been made, and by a subsequent order of the Governor-General, the principle of succession by the rule of primogeniture, in respect both of the talookas which had been restored and of estates newly granted, was introduced. The principle was affirmed, but was not accompanied by any details. But as being an act of the Government of India done previously to the passing of the Indian Council's Act of 1861, he believed that there could be no doubt of its having the full force of law. The present Bill, therefore, would only declare the principle more formally and provide in detail for the manner in which the rule of primogeniture should take effect. It would provide that, in case of intestacy, the estate or talooka should go to the natural-born heir, that is, to the eldest son; that failing such heir, it should go to an heir by adoption; and failing an adopted heir, to the nearest collateral male heir: in default of all of these, it would provide that the estate should go to the widow for her life, and at her death to such son as she might adopt according to the custom of her family; and lastly, if all these should fail, that the estate should pass to such persons as would inherit if this Act were not made law. The object in view was to combine the principle of primogeniture with other principles and usages traditional in this country and dear to the people. In the Province of Oude the operation of the Hindoo and Mahomedan Laws was peculiarly confused and conflicting—so much so, that it might have been a question whether on that account alone some legislative interposition and correction were not expedient. And probably it would not be contended that, such being the case, the introduction of a law of primogeniture, with the generally warm approval of the Talookdars (the parties most concerned), was an unwise divergence from the laws which the English Government had found established there.

The Bill gave power to the Government to declare from time to time what estates should be considered as talookas or granted estates under the operation of the Act, and it provided that none of these estates, after enrolment on a list as such, should be liable to seizure or sale in satisfaction of decrees of Court, except under sanction of the Local Government confirmed by the Governor-General in Council. The placing of an estate on the list would be subjected to certain checks and precautions which would prevent this being done without the knowledge or to the detriment of any who might have claims upon, or interest in, the estate. The removal of an estate from the list would also take place under precautions, and only with the consent of the Local Government and of the Governor-General in Council.

The Bill would also provide for the descent in the same line as the landed estate of such personal property as might fitly be recognized as heirlooms, upon application to that effect by the

possessor. This provision would be gratifying to those legislated for, and would entail no inconvenience; but it formed no essential part of the Bill. The Bill further provided that disputed claims to succession or right of inheritance to the estates subject to the Bill should be determined by the Local Government, subject to the confirmation of the Governor-General in Council; thus giving the Government the charge of watching over these inheritances, and rendering their protection a matter of Governmental policy rather than of Law. This as regards the estates on the talooka list: but the Bill went farther and dealt with suits of whatever description relating to the title to lands in Oude. In regard to these it restored the state of things subsisting in Oude prior to the introduction of Act VIII. of 1859. Before that time all such suits were adjudicated by the Revenue Authorities, subject to appeal to the Chief Commissioner as Financial Commissioner. Act VIII. had been understood to alter the procedure and to place such questions under the cognizance of the Civil Courts. There had been, however, doubts as to the operation of that Act in this respect, and it was therefore desirable that the Law should be clearly defined. He deemed it far preferable that in a country in the condition of Oude, where our laws and system of legal procedure were not familiar to the people, where the settlement was still a summary and temporary one, and where the Government had yet to feel its way to a wise, encouraging, and beneficial settlement, questions relating to land should, as far as possible, continue to be dealt with as revenue questions and not be brought within the scope of our Courts and Law. These were all the particulars of the Bill which it was necessary to mention. He laid it on the table in the hope that it would preserve to the people of Oude that without which no people could long prosper politically or socially,—an aristocracy connected with the land.

The Motion was put and agreed to.

His Excellency the PRESIDENT moved for leave to bring in a Bill entitled "A Bill to provide for the sale of Waste Land and for the redemption of the Land Revenue." He said that the Bill which he had now to propose was not inferior in importance to that which he had already submitted to the Council. The scope of it would need little explanation to the Council, all of whom were familiar with the Resolution of Government of the 17th of October 1861 relative to the sale of Waste Land and the redemption of the Land Revenue. The Bill was in fact an embodiment of that Resolution. It had been in the contemplation of Government, as might be gathered from the last paragraph of the Resolution, that the first legislative action on this great subject should be taken by the Local Governments; and it must not be understood that the present Bill was introduced from any apprehension of a want of promptness or earnestness in the proceedings of those Governments. Quite the contrary. It had appeared to the Governor-General in Council, upon further consideration, that it was desirable in itself, and that it would probably be convenient to the Local Governments that a measure of such wide and imperial application should start into law from the Governor-General in Council. Even when this Act was passed, if the Local Governments desired to make modifications or additions in the application of the principles of the Resolution to their

own Presidencies, the Act would create no difficulty in their way—though it might in some cases be necessary to revoke or suspend particular clauses of it with reference to particular parts of the country, in order that the true spirit of the Resolution might be carried out under the special circumstances of particular Districts. The measure was designed to help the Local Governments, and to afford facilities and encouragements in carrying out the common object. One particular matter required notice. The Resolution of Government contemplated the security of the public creditor by the investment of the purchase-money of Waste Lands and money paid for the redemption of the Land Revenue. This Bill would charge the Currency Commissioners with that duty. No distinction was made in the Bill, any more than in the Resolution, between the two sources of Revenue; and it was his decided opinion that no such distinction ought to be made, though this was a point upon which some difference of view existed.

It was true that, hitherto, in India and in the Colonies, the proceeds of sales of Waste Lands had been carried to the Current Account of Income. Of the Colonies it was unnecessary to speak; but in India there was a special reason against this. For although at present Waste Lands in India yielded no Revenue, and although in selling them it could not be said that we parted with daily income, yet having regard to the Indian system of deriving Revenue directly from land, we most assuredly did part with dormant Revenue; and as our Civil administration extended over lands that now lay waste and needed no administration, new charges would come upon the Government. It might be confidently expected that the increasing prosperity of the country would enable us to meet such charges; but we should still be in the position of having sold for an immediate price a certain future income from those lands, and therefore we ought to treat that price as capital. For this reason, and also to guard against the possible objection of those who thought that they saw improvidence in the measure, and therefore did not regard it with favor, the Bill would provide for the investment, as Capital, of the whole proceeds, whether from redemption of the Land Revenue, or from sale of Waste Lands. He need not describe in detail the manner in which the Resolution of Government had been put into legal shape. The terms of the Resolution were known to all, and they were in no way altered in the Bill. He would only express an earnest hope that the Bill, in the shape in which it had been framed, or as nearly so as might be found expedient, would soon become the law of India.

The Motion was put and agreed to.

The Hon'ble Mr. RITCHIE moved for leave to bring in a Bill to annex a Schedule to Act IV. of 1862 (for regulating the Bank of Bengal). He stated that the sole object of this Bill was to add to that Act Schedule A, which had been inadvertently omitted.

The Motion was put and agreed to.

The Hon'ble Mr. RITCHIE then applied to His Excellency the President to suspend Rules 15 and 16 for the conduct of business in order that he might introduce the Bill.

His Excellency the PRESIDENT declared those Rules to be suspended, and the Bill was accordingly introduced.

The Hon'ble Mr. RITCHIE then applied to His Excellency the President to suspend the Rules subsequent to Rules 15 and 16, which related to the publication of a Bill and the referring of it to a Select Committee, with a view to enable him to move that the Bill be passed.

His Excellency the PRESIDENT declared the Rules in question to be suspended, and the Bill was then passed.

The Hon'ble Mr. RITCHIE moved for leave to bring in a Bill for constituting certain Officers of the Banks of Bengal, Madras, and Bombay, respectively, ex-officio Assessors of certain of the duties payable under Act XXXII. of 1860 (for imposing duties on the profits arising from Property, Professions, Trades, and Offices). He stated that the object of the Bill was simply to substitute the Secretaries and other Officers of the Banks of Bengal, Madras, and Bombay for the Sub-Treasurers as Assessors for the Income Tax payable on the interest on Government Paper which would henceforth be payable at the Banks.

The Motion was put and agreed to.

The Hon'ble Mr. RITCHIE then applied to His Excellency the President to suspend the Rules 15 and 16 in order that the Bill might at once be introduced. He stated that he would then move that the Bill be referred to a Select Committee with instructions to report in a week. If the Committee did not hear that the agreement with the Bank of Bombay was agreed to, some alteration in the form of the Bill would be necessary.

His Excellency the PRESIDENT declared Rules 15 and 16 suspended.

The Hon'ble Mr. RITCHIE then introduced the Bill, and moved that it be referred to a Select Committee with instructions to report in a week.

The Motion was put and agreed to.

The following Select Committees were named:—

On the Bill to repeal certain Regulations and Acts relating to Criminal Law and Procedure—the Hon'ble Messrs. Ritchie, Harington, Forbes, and Erskine.

On the Bill for constituting certain Officers of the Banks of Bengal, Madras, and Bombay, respectively, ex-officio Assessors of certain of the Duties payable under Act XXXII. of 1860 (for imposing Duties on the profits arising from Property, Professions, Trades, and Offices)—the Hon'ble Messrs. Laing, Ritchie, Fitzwilliam, and Cowie.

The Hon'ble Mr. RITCHIE moved that the Select Committee on the Bill for the better protection of the public against bad Coin be instructed to report in two months.

The Motion was put and agreed to.

The Hon'ble Mr. RITCHIE moved that the Select Committee on the Bill to amend Chapter XII. of the Indian Penal Code and to provide for certain offences against the Coin be instructed to report in two months.

The Motion was put and agreed to.

The Hon'ble Mr. RITCHIE moved that the Hon'ble Mr. Erskine be added to the Select Committee on the Bill to provide for a new Silver and a new Copper Coinage.

The Motion was put and agreed to.

The Council adjourned till Wednesday, the 19th instant, at 11 A. M.

M. WYLIE,

*Depy. Secy. to the Govt. of India,
Home Department.*

CALCUTTA,
The 13th March 1862.

PRINTED BY J. H. CASHMAN, AT THE BENGAL SECRETARIAT OFFICE.



SUPPLEMENT TO The Calcutta Gazette.

WEDNESDAY, MARCH 19, 1862.

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Public Works Department.

Memorandum on Colonel Dickens's Soane Canal Scheme.

THE printed volume of this scheme was sent home some months ago, with an intimation that any remarks and proposals that were required would be sent after the Bengal Government had had time to consider the matter.

The Lieutenant-Governor has now sent it up, but without entering into any detailed discussion. He merely says that it is an admirable scheme, and should be executed; that it holds out better prospects than the Orissa schemes, and that it would be good for both the East Indian Irrigation Company and for the country, if the Company were to adopt this instead of the other.

The Chief Engineer's remarks are very short and to the same purpose; quoting from his own notes a case illustrating the great value of irrigation in Behar.

Colonel Dickens' attention was first drawn to the irrigation of Shahabad when employed on the Trunk Road in that District. He then looked to the utilization of the streams coming from the hills above Sasseram (and thereabouts) by bunding, and submitted a memoir upon that subject in 1853. In 1854 he was sent to undertake a detailed examination, which led him to look to the Soane as the main source of irrigation.

In 1855 he submitted an approximate Estimate for an anicut on the Soane, with a canal on the west (Shahabad) bank, and also for a series of reservoirs in accordance with his original idea. The total cost according to these was to be 65 lakhs (so Colonel Dickens states it, but from his details it would appear to be only 55 lakhs).

Further, materials were collected up to the time of the Mutiny, which Colonel Dickens all along continued to work up as leisure permitted, and in December 1860 he re-visited the District and devoted the rest of his time, till he left India in September last, to completing the present project.

In this the creation of reservoirs in the hills has been dropt.

The flood discharge of the Soane, at a maximum, he estimates at no less than 1½ millions of cubic feet per second. In the dry season the lowest discharge is *usually* about 4,000 cubic feet, but last year (1861) it fell so low as 950 towards the end of May. This would be discouraging were it to occur in the irrigating season, but that terminates in the middle of March, when the river even in the exceptional drought of last year carried 3,500 cubic feet.

The discharging capacity of the Soane Channel greatly diminishes in the last twenty or thirty miles of its course, and a great overflow consequently occurs, amounting probably to half the whole amount brought down by extreme floods.

Colonel Dickens shews that the Districts of Behar, south of the Ganges, have not had that exemption from scarcity or famine which the Court of Directors, in their notice of his first project, attributed to the whole Province.

The head of his canals he proposes to establish at Telcup, about eighteen miles above the Trunk Road. In his first scheme it was at Badoo, further up, where the channel is narrower, but he gives sufficient reasons for the change.

The general scheme is that of two main canals, one from each end of the dam, which, after a course of ten or twelve miles, are spread into two fanlike systems of irrigation channels, extending on one side to the Kurumnassa and Ganges, on the other

to the Poon Poon and Ganges, and with navigation channels to Benares, to the mouth of the Kurumnassa, to Arrah and to Patna.

The aggregate dimensions will be—

Western Irrigation Canals ...	361 miles.
Eastern " " "	320 "
	<hr/> 681 miles.
Navigation only ...	145 "
	<hr/>
Total ...	826 miles.

And the discharge—

Western ...	1,980 cubic feet.
Eastern ...	1,144 "
	<hr/>
Total ...	3,124 c. ft. per second,

of which 600 cubic feet is reserved for navigation.

For the channels he adopts slopes calculated to give a velocity of two miles an hour.

The dam or anicut is on the general principle of the Madras Delta Works. The chief difference is in the depth of undersunk foundations which Colonel Dickens proposes, *viz.*, two rows of blocks twenty feet deep, whereas the Madras Officers content themselves with Wells of seven to nine feet deep. He considers that this is required both by the greater slope of the Soane, and on account of the greater accumulation of water which will be produced by the obstruction to a percolating stream afforded by his deeper and more continuous foundations.

The total cost of Colonel Dickens' scheme, entire, is estimated by him at 269 lakhs of Rupees.

This includes Establishment at 12½ per cent, and an allowance of 30 per cent in excess of the best data for rates, at present attainable, for probable increase during the execution of the works. It also includes the whole cost of Rajbuhars or distributaries. He has also allowed very largely for costly foundations. Indeed, never has been before Government a more conscientious endeavor to anticipate the maximum of cost. There is none of the attempt to make things palatable with which projectors are often justly reproached.

The navigation works out of this consume 74 lakhs, a reduced scheme of navigation which he indicates would cost 24 lakhs less.

For irrigation he proposes to charge at (ultimate) rates which will give a gross payment of Rupees 900 per cubic foot of discharge per annum. This rate he shows to be fair, 1st, by analogy of the Eastern Jumna Canal and Baree Doab Canal rates (the Ganges Canal rates are acknowledged to be very low); 2nd, by shewing what is the present comparative assessment of highly cultivated lands, in the adjoining District of Benares, per acre and per head of population. After deducting expenses the net income would be [not Rupees 8,42,420, as misprinted at page 98, but] Rupees 18,42,520.

As regards navigation there is great difficulty in calculating probable Returns. But the products of the adjoining country and the direct communication which will be afforded with the Ganges are very advantageous to the develop-

ment of a traffic on the proposed canals. He estimates the ultimate return at two lakhs.

The whole Return is thus abstracted :—

Irrigation	Rupees ..	18,42,420
Navigation	" ..	2,00,000
Mills	" ...	67,500
Miscellaneous	" ...	31,240
	<hr/>	
Total	" ...	21,41,160

This would be 8½ per cent on the 245 lakhs (*i. e.*, with the reduced scheme of navigation). But this revenue would be of slow growth.

For the gradual execution of the works he would propose—

That the Patna Branch be first executed with its subordinate lines. For this he would make only a temporary dam at a cost of 2½ lakhs.

The cost (with navigation) would be Rupees 63,38,000. Spreading the outlay over five years there would be required—

1st year	...	5 lakhs.
2nd "	...	10 "
3rd "	...	16 "
4th "	...	16 "
5th "	...	16 "
	<hr/>	
Total	...	63 lakhs,

on which a Return of six per cent would be available.

The Arrah Branch might then be undertaken at a cost of 51 lakhs, giving a Return of 10½ per cent.

This last would therefore be the most profitable to begin with, but he gives a preference to the Patna Branch on account of the great importance of introducing improved navigation to Patna.

It is believed that the first cost of the work might be considerably reduced by working more on the Madras system of dispensing with permanent bridges and other costly works at first, and for any one appointed to undertake the work, a first step should be the study of these works (Kistna and Godavery) on the spot. There is no doubt that they have initiated a revenue with much smaller means than in the Irrigation works of the North-Western Provinces. There it has not commenced until the expenditure had gone on for years, and the heaviest masonry works had been completed. To some extent Colonel Dickens does propose this in his scheme of gradual execution, but probably it could be carried further, and on this point especially it would be good to have the views of an Officer experienced in the Madras Delta System. This has been invited.

It is clear that about 10 or 12 lakhs a year at first, and probably more after the first five or six years, would have to be devoted to the work.

Nothing need be suggested in commendation of the lucid, concise, and conscientious way in which Colonel Dickens has put forward this great scheme, which is entirely his own.

Copies of the Report have been sent to The Public Library.

- " Chamber of Commerce.
- " Landholders' and Commercial Association.
- " Calcutta Trade Association.
- " British Indian Association.
- " Station Library at Delhi.
- " " " Lucknow.

Government of Bengal.

Railway Feeders—Burdwan Division.

From **LIEUTENANT-COLONEL J. P. BRADLE**, Officiating Secretary to the Government of Bengal, in the Public Works Department, to the Commissioner of the Burdwan Division,—(dated the 6th March 1862.)

SIR,—I HAVE placed your Report, dated 18th February, with the accompanying section of country taken by Mr. Sharp, the Local Divisional Engineer, before the Lieutenant-Governor, who desires me to thank you for the clear and comprehensive way in which you have treated the subject of the important District Road, which it is proposed to complete between the Bancoorah Trunk Road, the Grand Trunk Road, the Raneegunge Branch Railway, and the Main Line of the East Indian Railway.

2. It appears that, for the completion of the above cross communication, Rupees 81,157 will be required; and that, taking two portions of the road as Railway Feeders, you have allotted Rupees 21,500 for their construction from the Funds (Amalgamated District) already placed at your disposal, leaving a balance of say Rupees 60,000 to be provided for the completion of this road.

3. The Lieutenant-Governor in his Budget Statements has proposed, out of the second allotment of the one per cent Income Tax Public Works Fund, to place Rupees 90,000 at disposal for the completion of the Bissenpore Roads, which would leave Rupees 30,000 over and above what is required for the District Road under consideration, to be applied to the metalling of the Bancoorah Imperial Road.

4. With this sum, and a further grant from the Reserve Fund of the Imperial Budget (1862-63), the Lieutenant-Governor desires to secure the early completion of the metalling to the Imperial Road through the Bancoorah District, for the execution of which preparations have been commenced, so that this highway which leads to the Madras Coast may be metalled as far as Midnapore.

5. Provision has also been made in the allotments from the first instalment of the one per cent fund, for the completion of the Cross District Road and Feeder which is to connect Soory with Raneegunge, crossing the Singarun River near to the Terminus of that Branch Railway.

6. I am instructed to recapitulate these proceedings so as to bring in one view the arrangements made for completing the system of roads in your Division which lies westward of the great Railway Fork at the Kanoo junction.

7. You will see that funds are forthcoming for the completion of the works. It only remains to arrange for the works being carried out in a substantial way, and for taking the best lines for permanent occupation.

8. In the present case there appears to be some doubt as to the best line to take in leaving the Bancoorah Road at Bissenpore; but the Lieutenant-Governor approves of the road being made direct from Bissenpore to Soonamookhee, so as to form one line from Midnapore and the Southern Coast Frontier to the East Indian Railway.

9. There seems to be no question about the direction of the road from Soonamookhee to the Railway Station at Paneeghur: the old road will be followed, but it requires to be re-constructed and completed.

10. From the Branch Railway to Hambazaar the direction appears to be good, and the existing road is in fair order. The Lieutenant-Governor is glad to learn that the road from Hambazaar to Ramnuggur is in such good condition. The state of this road is creditable to the Messrs. Erskine, who have acted for the Ferry Fund Committee in constructing and maintaining it.

11. The road to Soopoor requires to be completed, and a new short line has to be made from Soopoor to the Railway Station at Bhulpoor, where this cross district communication will terminate.

12. The Lieutenant-Governor approves of your having provided for the construction of the two Feeders which form portions of this road, from Soonamookhee to Paneeghur Railway Station, and from Soopoor to Bhulpoor Railway Station, from the Amalgamated District Roads' Funds.

13. The route when completed will have about the following lengths:—

Bancoorah Road to Soonamookhee,	
with the Dalkissore River crossing	17 miles.
Soonamookhee to Paneeghur, with	
the Damoodur River crossing	... 11½ "
Paneeghur to Hambazaar, with the	
Adjai River and Kharee River	
crossing	... 14 "
Hambazaar to Bhulpoor	... 12 "

making a total length of ... 54½ miles,

the whole of which is to be metalled and bridged with the exception of the large Rivers mentioned. The road is to be made twenty-four feet wide, and metalled for a width of twelve feet.



SUPPLEMENT TO The Calcutta Gazette.

SATURDAY, MARCH 22, 1862.

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Government of India.

Abstract of the Proceedings of the Council of the Governor-General of India assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament 24 and 25 Vic., c. 67.

The Council met at Government House on Wednesday, the 19th March 1862.

PRESENT :

His Excellency the Viceroy and Governor-General of India, *presiding*.
His Honor the Lieutenant-Governor of Bengal.
His Highness the Maharajah of Puttiala, K. S. I.
The Hon'ble Sir H. B. E. Frere, K. C. B.
The Hon'ble Cecil Beadon.
Major-General the Hon'ble Sir R. Napier, K. C. B.
The Hon'ble S. Laing.
The Hon'ble H. B. Harington.
The Hon'ble H. Forbes.
The Hon'ble C. J. Erskine.
The Hon'ble W. S. Fitzwilliam.
The Hon'ble D. Cowie.
The Hon'ble Rajah Deo Narain Singh Bahadoor.
The Hon'ble Rajah Dinkar Rao Rugonauth Moon-tazin Bahadoor.

His Excellency the PRESIDENT said that he could not take his seat at that Council for the first time, in succession to the great and good man who had hitherto presided over their deliberations, without expressing the gratification which it afforded him to find that, in the execution of the important task of legislating for India, he would have the advantage of the Counsel and assistance of gentlemen of such high character and matured experience as those whom he now saw around him, and without giving utterance to the fervent hope

and prayer that their united labors might be conducive to the advancement of the moral and material interests of this vast country, and to the happiness, prosperity, and contentment of all classes of Her Majesty's subjects by whom it was inhabited.

The Hon'ble MR. BEADON presented the Report of the Select Committee on the Bill to protect the personal dignity of His Majesty the King of Oude.

His Excellency the PRESIDENT postponed the presentation of the Report of the Select Committee on the Bill for constituting certain Officers of the Banks of Bengal, Madras, and Bombay, respectively, ex-officio Assessors of certain of the duties payable under Act XXXII. of 1860 (for imposing duties on the profits arising from Property, Professions, Trades, and Offices), in consequence of the absence of the Mover.

The Hon'ble MR. HARRINGTON introduced the Bill to consolidate and amend the law relating to the partition of estates paying revenue to Government in the North-Western Provinces of the Presidency of Fort William in Bengal, and moved that it be referred to a Select Committee.

The Hon'ble RAJAH DINKAR RAO said that he thought the principle of this Bill was important for those to whom it related. The little amendment it required could be made in the Select Committee. But so much of Section XXIX. which provided for the sale of an estate for the liquidation of arrears of the Government Revenue should be cancelled. He entirely disapproved of this provision. This process was not indispensably necessary for the realization of the Government arrears. But owing to this process being in force, the Government was, without any just cause, exposed to the complaints of its subjects, and many were deprived of their rights. It was evident how much regard the people of Hindoostan had for their rights and the property connected with them. He therefore thought it proper that the

Government should prevent such process being in force with the view to the preservation of the rights of its subjects.

The Hon'ble MR. HARRINGTON said that, as he understood the objections of the Rajah Dinkar Rao, he objected to the sale, under any circumstances, of landed estates paying revenue to Government for arrears of revenue accruing thereon. He did not appear to object in particular to the sale of such estates when in the course of a partition under this Bill or any law for the time being in force. His objection appeared to be of a general nature. For his satisfaction he could tell him that, although the power to sell estates for arrears of Government Revenue was still vested by law in Government, the power was very rarely exercised in the North-Western Provinces. He believed he might say the same in respect to the territories under His Honor the Lieutenant-Governor of Bengal. Whether the power should be retained or not was, he apprehended, a question foreign to the present Bill, and was too large a question to be entered upon in settling the provisions of this Bill. But so long as the power was retained, he submitted that in the possible, though not probable, event of a sale of an estate undergoing partition under this Bill, it was necessary to provide that the consequences of the sale should fall upon the defaulting proprietors, not upon the proprietors not in default. The Section objected to by the Rajah contained a provision to this effect. The only object of the Section was to protect those who were not in arrears when the sale took place.

The Motion was put and agreed to.

The Hon'ble MR. FORBES introduced the Bill for extending certain provisions of Acts XIV. and XXV. of 1856 to the Town and Suburbs of Rangoon and to the Towns of Moulmein, Tavoy, and Mergui, and for appointing Municipal Commissioners, and for levying rates and taxes in the said Towns, and moved that it be referred to a Select Committee with instructions to report in one month.

The Hon'ble RAJAH DINKAR RAO said that though the subject of this Bill was the Conservancy and improvement of the Town of Rangoon, &c., yet such Acts were not well calculated to attain their object, and were as unpopular with the people as other Acts which imposed taxes and duties. He therefore objected to the passing of such Acts. By Section VIII. of this Bill the people were required to pay a tax on the annual value of houses and buildings at the rate of from 10 Annas to 6½ Rupees. The average of this would be about 2½ Rupees per house. Besides this they were required to pay the Income Tax, Stamp Duty, Customs Duties, &c.; from this it would be seen how much they had to pay in taxes. There were many large houses built in former times which contained many persons, members of decayed families, who in these days were unable even to provide for their bare maintenance, but they were taxed without reference to their means. If this was the case, how could these persons be able to pay a tax for the cleaning and lighting the roads in the town? They were also to pay taxes on carriages and animals which they kept, and a fee of four annas for registering them. If they unfortunately failed to register, a fine of 10 Rupees must be paid even for an animal of less value. In case they failed in this, they would also be deprived of their unregistered animals. After the

sale of those animals they were bound to accept, at the price, whatever balance might remain, after deducting all the damages and expenses. Besides the fines which the Penal Code imposed for the ordinary crimes (which were already heavy) they were required to pay fines for making mistakes in the payment of such taxes and duties. A man who had a bullock cart was required to pay 12 Rupees annually. Such a person earned his livelihood by giving his cart in hire; sometimes he got a customer, sometimes not; sometimes corn and other things were dear. In such a state of things, though he might be in want of his livelihood, still he must pay the impost of 12 Rupees annually. The same was the case with other animals and conveyances. The Government took from the Municipal income the expense of the persons and establishment employed for protecting the inhabitants of cities and towns. It was right that the subjects should pay the Government for being protected. But the Government should reckon that expense in the income from the Land Revenue and any other proper tax which it took from them. He thought such an Act as this would not be liked by the people of any country. It was to be observed that cities and towns were not found to be remarkable for their uncleanness owing to their having no such Municipal system, nor remarkably clean where that system was in force. The people themselves took an interest in the cleanliness of their cities and towns. It was often seen that the people at the time of marriage ceremonies, or when their holidays came, or when it appeared necessary for them, kept clean their houses and roads, either by employing persons, if they could afford to pay them, or by personal labor when they were unable to pay. The cleansing of cities and towns was for the benefit and comfort of all. It was therefore proper for the subjects to keep them clean and for the Government to become a sharer in the work. But it was proper that the Officers of the Government should act as Members of the Municipal body, and do their best to make the people keep the places themselves clean. By this means the people would be saved the expense of contractors, &c., and from the oppression of such Acts.

The Hon'ble MR. FORBES, in reply to the Rajah Dinkar Rao, said that this Bill introduced no new principle of taxation, but simply extended to Towns in the Burmese Provinces the laws which were in force in Calcutta, Madras, and Bombay. The Rajah's objections to this Bill were, in effect, objections to separate taxation for Municipal purposes everywhere. Prior to introducing this Bill, he (Mr. Forbes) had read the report of the debates in the Legislative Council on the Municipal Acts for the Presidency Towns. Those debates had reference to the rate of taxation, and how the fund should be distributed in respect of lighting, cleansing, the supply of water, &c. But no objection was raised to the general principle of local taxation for such purposes. As the late Legislature had passed those Acts, and no objection to the principle of them had since been expressed, and the Executive Government had desired the introduction of this Bill, he would not now discuss that question. But his opinion was opposed to that of the Rajah Dinkar Rao. He thought that those who derived most benefit from certain public expenditure might be fairly expected specially to contribute to it; and that when the residents in any locality paid rates for

special objects they would be induced to look after their proper application.

The Hon'ble MR. BEADON said that this Bill had already been for a long time under consideration. It was brought forward in the Legislative Council and had been referred to the Executive and Municipal Authorities of the towns to which it related and had received their assent. Some papers had been received from Rangoon coupling the assent from that place, with a request that certain items now treated as Imperial Revenue might be added to the Municipal rates. The Government had assented to that request, so that no further objection appeared to exist.

The Hon'ble SIR BARTLE FRERE said that he understood the Rajah Dinkar Rao's objections to relate to the details and not to the principle of the Bill. He wished that those who were interested in the application of Local Funds should have a share in their management, and he (Sir Bartle Frere) believed that the small results which might be seen to follow great expenditure might be traced to the great defect of a want of a proper amount of interest and of authority in the hands of those who paid the rates. He understood that the assent to the Bill from Rangoon had been coupled with a stipulation for a larger degree of authority than the Bill provided.

The Hon'ble MR. FORBES said that he regretted if he had inadvertently misrepresented the argument of the Rajah Dinkar Rao. But he did understand him to say that Municipal expenditure should be defrayed out of the general taxation, particularly specifying the Land Revenue; and to object to the taxation of carriages and cattle in towns, and to all similar particular taxation for local objects. With reference to the question of Sir Bartle Frere, he stated that the Bill was drawn in the form in which it was read in the Legislative Council, and in which it had been previously published. If the inhabitants of any of the towns had made any objections they were with the Executive Government. He (Mr. Forbes) had stated, in moving for leave to bring in the Bill, that he understood that the Government would lay before the Select Committee any papers it had received relative to the Bill; and that he had no doubt they would then be fully considered. They would be printed with the Report of the Committee, and it would then be open to any Member of the Council to move any amendment which he might think necessary. But he (Mr. Forbes) had not yet seen those papers.

The Motion was put and agreed to.

The following Select Committees were named:—

On the Bill to introduce the Bill to consolidate and amend the law relating to the partition of estates paying revenue to Government in the North-Western Provinces of the Presidency of Fort William in Bengal—the Honorable Messrs. Ritchie, Harington, and Erskine, and the Rajah Deo Narain Sing.

On the Bill for extending certain provisions of Acts XIV. and XXV. of 1856 to the Town and Suburbs of Rangoon and to the Towns of Moulmein, Tavoy, and Mergui, and for appointing Municipal Commissioners, and for levying rates

and taxes in the said Towns—the Honorable Messrs. Beadon, Ritchie, Forbes, and Erskine.

The Council adjourned till Wednesday, the 26th instant, at 11 A. M.

M. WYLIE,

*Depy. Secy. to the Govt of India,
Home Department.*

CALCUTTA,
The 19th March 1862. }

Home Department.

Correspondence on questions connected with the Redemption of the Land Revenue.

From SIR GEORGE COOPER, BART. & C. B., Secretary to the Government of the North-Western Provinces, to W. GREY, Esq., Secretary to the Government of India, in the Home Department, Fort William, (dated Camp Lullupore, the 24th December 1861.)

SIR,—With reference to Part II. of the Resolution dated 17th October 1861, regarding the redemption of the Land Revenue, I am desired to enclose, for submission to His Excellency the Vice-

roy in Council, the papers noted in the margin, and to solicit instruction on the points therein discussed.

2. The Draft Bill has been prepared by the Sudder Board of Revenue of these Pro-

vinces, and represents their views as well on the points on which the Lieutenant-Governor thinks it necessary to ask for instruction as on all others.

3. The question considered in the papers under enclosures Nos. 1 and 2 is raised by the terms in which paragraph 43 of the Resolution is expressed. Those expressions, strictly construed, would seem to exempt the tenure obtained by redemption of the Land Revenue from all demands on account of the Government, and to confer upon it an immunity from all legal claims of the Government. In these Provinces, as His Excellency is aware, a cess of one per cent. upon the Revenue assessed upon their estates is paid by all Landholders for the construction and repair of roads in commutation of their legal liability to be called upon to construct and repair roads. And, under Rules known as the Saharunpoor Rules, which were issued by the late Lieutenant-Governor, a cess of one per cent. for educational purposes is added to the Land Revenue assessed upon all villages coming under re-settlement.

4. There appears to the Lieutenant-Governor to be no doubt, as explained in the accompanying extract from the letter to the Sudder Board of

Revenue, that the road cess of one per cent., and the educational cess also (the legality of which latter, however, the Lieutenant-Governor is disposed to doubt), are, no less than the Income Tax itself, demands on account of the Government. It is not supposed that the Governor General in Council intended that the redemption of the Land Revenue by a payment of twenty years' purchase should give immunity to the purchasers from any one of these demands. But His Honor cannot help being apprehensive that a claim to such immunity might hereafter be preferred on the ground of the expressions employed in paragraph 43 of the Resolution; and as the matter is one upon which no doubt of any kind should rest, the Lieutenant-Governor ventures to trouble the Government of India with this enquiry.

5. The papers under enclosure No. 3 refer to a point which is of some importance in these Provinces, and His Honor would be glad to know that the construction which he has put upon paragraph 53 of the Resolution is in accordance with the views of the Governor-General in Council. If such should prove to be the case, he would request that a clause be inserted in the Law, to be enacted, under paragraph 55 of the Resolution, making it obligatory upon a sharer in a putteedarree estate, of which the land is entirely divided, desiring to redeem his quota of the village revenue, to demarcate the boundaries of his land, and to cause a partition to be made constituting it an independent and separate estate under the Law of Partitions for the time being in force. He would at the same time beg that Mr. Harington may be called on to produce the correspondence cited in the margin and referred to in paragraph 6 of the Board's letter enclosed, in order that the Bill discussed therein may be brought under consideration as soon after the meeting of the Council as practicable.

6. For reasons which have been stated by the Board, the Draft Bill herewith submitted does not contain any Section regarding the registration of estates purchased in fee simple, and estates of which the Land Revenue may be redeemed. The Board having regard to the proposed Law of registration, which is intended to make the registration of all transfers of landed property above a very low amount compulsory, are inclined to think that the object aimed at by the Government of India in paragraph 55 of the Resolution may be more conveniently attained by means of that general Law. But it appears to the Lieutenant-Governor that, in providing for the execution of the measures inaugurated by the Resolution, there is no need to take into consideration future possible contingencies; and that it will be better to include a Section on the point in the legal enactment to be passed under paragraph 55 of the Resolution. If in the final settlement of the general Registration Bill it should be thought desirable, it will be easy to repeal or modify the special provision which has been above recommended.

7. As the publication of the Rules regarding the redemption of the Land Revenue in these Provinces will be postponed pending the receipt of the instructions now asked for, I am desirous particularly to request that the Lieutenant-Governor may be favored with the earliest practicable reply to this letter.

Enclosure No. 2.

Extract, paragraphs 20, 26, and 27, of the Draft Rules of Procedure submitted by the Officiating Secretary to the Sudder Board of Revenue, North-Western Provinces.

PARA. 20.—The effect of redemption of the Land Revenue of any estate is simply to relieve the Malgoozar for ever from any demand by Government for Land Revenue on account of such estate. It does not in any other respect alter his position or liabilities either to Government or third parties. No stronger right of property, either as regards collateral claims or subordinate tenures, than existed before is created by the redemption of the Land Revenue.

26. Excepting release from farther demand of Land Revenue, the existing obligations and responsibilities of the proprietor will remain unchanged. The maintenance of Putwarrees and of the Village Police will continue as now obligatory on the proprietor. And he will be responsible as before for such cesses as were engaged for at the settlement. Of these it will be in the power of the proprietor to redeem the road cess of one per cent. and (where that has been engaged for at the settlement) the educational cess at twenty years' purchase. All sums paid on this account will be separately credited and reported, as it will be necessary to invest them in distinct funds.

27. Estates the Land Revenue of which has been redeemed shall be held liable to assessment for Income Tax under the same rules as are applicable to Muafee and Lakhiraj estates.

Extract, paragraphs 3, 4, 5, and 6, of a letter from Secretary to the Government of the North-Western Provinces, to the Officiating Secretary to the Sudder Board of Revenue, North-Western Provinces,—(No.—, dated the of December 1861.)

PARA. 3.—In Section IX. of the Draft Bill the Board have provided that "no obligations binding by Law, or by the compact of the settlement last made, shall be effected by the commutation of the Land Revenue, other than the obligation to pay the Land Revenue itself." And in paragraph 26 of the Rules the Board have declared that the maintenance of Putwarrees and of the Village Police will continue as now obligatory on the proprietor; and further, that the proprietor "will be responsible for such cesses as were engaged for at the settlement," that is to say, the road, educational, or other cesses. No. 20 countenances the same doctrine.

4. But the terms which are used in paragraph 43 of the Resolution of the Governor-General in Council No. 3264, dated 17th October, in regard to the tenure to be obtained by redemption, raise a doubt as to the correctness of the Board's interpretation. That tenure is described to "be that of an hereditary and transferable property held in perpetuity free of all demand on account of Land Revenue or of the Government;" now, it may be at once admitted, that the cost of maintaining Putwarrees and the Village Police, these being village servants paid from time immemorial by the village communities and proprietor, is not a demand "on account of the Government." But the same cannot be said of the one per cent. road cess or of the educational cess. These, of course, do not come within the category of Land Revenue; but they certainly do constitute a demand which is made by the Government and the proceeds of which are used by the Government. That these are used for the benefit of the people does not alter the fact that they are a demand on account of the Government.

5. In like manner it appears to the Lieutenant-Governor that a doubt may arise as to the liability to Income Tax, under a strict reading of paragraph 43 above referred to, of the parties who may redeem the Land Revenue assessed upon their estates on the profits derived from their redeemed lands.

6. It is proper to add that the Lieutenant-Governor does not believe that it was the intention of the Governor-General in Council by this Resolution to decree exemption from the demands above referred to; but the expressions used in paragraph 43 of the Resolution may possibly give rise to, or even justify, such an inference; and in a matter of this vast importance it is very undesirable to allow any doubt to rest upon any of the conditions of the measure. This point will be referred for the consideration of the Government of India.

Enclosure No. 3.

Extract, paragraphs 3, 4, 5 and 6, of a letter from the Officiating Secretary to the Sudder Board of Revenue, to the Secretary to the Government of the North-Western Provinces, (No. 873, dated 6th December 1861.)

PARA. 3.—The provisions in paragraphs 10, &c., Rules paragraphs 10, &c., Bill for a revision of the Section V. jumma as distributed in putteedaree villages

are absolutely necessary, seeing that the sanction of Government has been given only to the jumma of the mehal, and the redemption of any puttee at an inadequate proportion of that assessment might throw an unjust burden on the rest of the village without possibility of future equalization.

4. Paragraph 13 includes shares on putteedaree

Paragraph 13.

and b h y a c h a r a estates when the distribution of land is liable to vary, because a property once redeemed must be of fixed and recognizable boundaries, as is most justly required in paragraph 44 of the Resolution.

5. The Board are of opinion that the extension of the privilege of redemption to unseparated portions of a mehal is inexpedient; but they have proposed the rules contained in paragraphs 10 to 12 as necessary if the intent of paragraphs 53 of the Resolution is to be understood without any restriction. If the redeemed lands remained undivided from those unredeemed, it would, at any ensuing settlement, be found difficult to prevent the fraudulent inclusion of khalsa in the redeemed land. If the boundaries of the redeemed puttee were completely demarcated as required by Rule 14, there would apparently be no reason why the puttee should not be declared a distinct mehal. Moreover, the provisions of paragraphs 11 of the Rules may be held somewhat inconsistent with the declaration in Section 55 of the Resolution.

6. As the Law now stands there is no legal process for enforcing

* Decisions Volume XV. for partition under Regulation XIX. of October 1860. Case No. 167 of 1859, page 633.

Soolchall and others,

versus.

Geedharce Lall.

and the Board would beg to remind Government of

Vide correspondence ending with Government Order No. 818A., Revenue Department, dated 16th July 1860.

the necessity that exists for passing the proposed Law sent up some time ago on the subject. This Law is necessary to enable putteedars to separate their holdings from the responsibilities of the rest of the village.

Extract, paragraphs 10 to 13, from Draft Rules of Procedure, submitted by the Officiating Secretary to the Sudder Board of Revenue, North-Western Provinces.

PARA. 10.—In putteedaree estates, of which the land is entirely divided, the jumma of the entire mehal may be redeemed as above by the putteedars conjointly. If any putteedar is desirous of redeeming his share, he can proceed either by partition, thus constituting his puttee a separate and independent estate; or he may apply for permission to redeem his

quota of the village revenue, still retaining his position as a member of the village community. But in this latter case as the assessment has been fixed by Government upon the entire village and not on each puttee, a careful investigation will be necessary into the equality of the distribution of the jumma. If the jumma of the puttee be found to bear its full proportion to the jumma of the village, with due regard to their relative assets, then redemption may be permitted at such jumma. Should the proportion of the puttee's assessment, on the contrary, be found to be inadequate, a fair allotment of jumma upon the puttee will be made, which, when sanctioned by Government, will form the basis of calculation.

11. Where a regular partition is not made, redemption of the revenue of a puttee will not affect the possession of the putteedar in the community. He will retain his privileges in the management of the village, and will be responsible, as before, for his share of the village expenses, and jointly responsible for any defalcation of revenue in the unredeemed portion of the village.

12. In imperfect putteedaree estates, where the division of lands is fixed and not liable to occasional or periodical alterations, the same course may be followed. In case of regular partition under the Law, the new mehal will, of course, be formed by the addition to it of its proper share of the unredeemed lands. Where partition does not take place, the puttee, including the putteedar's share, will, after redemption, be formed on the account of its own previous share, as above explained, jointly with the rest of the village and its revenue.

13. In putteedaree and the division of lands is liable to occasional or periodical alterations, the same course may be followed. In case of regular partition under the Law, the new mehal will, of course, be formed by the addition to it of its proper share of the unredeemed lands. Where partition does not take place, the puttee, including the putteedar's share, will, after redemption, be formed on the account of its own previous share, as above explained, jointly with the rest of the village and its revenue.

Extract, paragraphs 7 to 13, from Draft Rules of Procedure, submitted by the Officiating Secretary to the Sudder Board of Revenue, North-Western Provinces, (No. 873, dated 6th December 1861.)

PARA. 7.—

for reference

that raise

letter

with reference to

that paragraph 53 must be read in connection with the Resolution, that is to say, that wherever redemption is permitted, it is to be without injury to the rights and interests of others, where redemption must be allowed.

8. It is undoubtedly true, as the Board have said, that the extension of the privilege of redemption to unseparated portions of a mehal is inexpedient. But the intention of the Governor General in Council clearly appears to be as above stated, and the Lieutenant-Governor cannot think that the benefit of the measure can be denied in such tenures. He does not, however, see why complete demarcation of the boundaries of the redeemed puttee and partition under the Law for the time being in force should not be made obligatory on the putteedar desirous of redeeming the revenue of his puttee, and this would do away with the inexpediency noticed by the Board. In this view the Government of India will be addressed and asked to take into consideration, at the earliest practicable date, the passing of the Bill referred to in the 6th paragraph of your letter, and also to enter a clause in the enactment proposed in paragraph 55 of the Resolution, making demarcation of boundaries and complete separation in such cases obligatory.

9. But in any case it does not appear to the Lieutenant-Governor that paragraph 11 of the Rules is inconsistent with the declaration made in Section LV.

and Southern India, where the settlement is made with persons having only a right of occupancy, and where the proprietary right in the soil has hitherto been asserted by the Government, the concession of such claims is an element of vast importance in the scheme of redemption sanctioned by the Resolution.

9. The Governor-General in Council desires me to remark here, with reference to Section VIII. of the Draft Bill, and to the latter part of extract paragraph 26 of the proposed Rules of Procedure for carrying out the provisions of the Resolution of the 17th October last, for the redemption of the Land Revenue, that the Board are wrong in supposing that the road and education cesses, so far as they are paid by the Zemindars, can be redeemed with the Land Revenue. The legality or otherwise of the several cesses mentioned in the correspondence is not now in question, but all legal cesses of the kind should continue to be paid separately.

10. The second point on which the Lieutenant-Governor solicits instructions is that referred to in the 5th paragraph of your letter, relative to the construction to be put upon paragraph 53 of the Resolution. From the extract of the letter from the Board of Revenue dated 6th December, and of your reply, and also from Section V. of the Draft Bill, it appears that the Sudder Board of Revenue consider the provisions of paragraph 53, taken along with those of paragraph 44, to be quite inapplicable to putteedaree or bhyachara estates held in undivided occupancy, and to be applicable only under certain conditions to putteedaree estates in which the land is divided.

11. The Governor-General in Council agrees with the Lieutenant-Governor in thinking that paragraph 53 of the Resolution must be read without restriction. Where, for example, a village is assessed say at 800 Rupees a year, the owner of two annas in it by paying 2,000 Rupees would be able to redeem the Land Revenue of his

eighth share in perpetuity. To such a case the provisions of paragraph 44 are, to a certain extent, inapplicable. The exact extent and limits of the whole village may be defined, but not those of an eighth undivided share of it; and the same is the case where the lands of a share are partly divided off, and partly not. The effect of redemption would be this, that at the next settlement, if the assessment of the whole village were raised to 880 Rupees, one-eighth would be deducted on account of the redeemed share, and the remaining seven-eighths of the village would be assessed with a jumma of 770 Rupees. In cases of this kind, however, the redemption can only be an imperfect one. It can be a redemption only of the shareholder's own separate liability for his share of the whole assessment, not of his joint liability for the Land Revenue of the whole estate. It is not until the lands of a particular share have been entirely marked off from the rest of the village and separately defined and assessed that the redemption can be complete.

12. An additional reason is thus afforded for hastening the enactment of the proposed Law to facilitate the division of estates; but the promulgation of the redemption rules need not wait for it.

13. With reference to your 6th paragraph, I am desired to state that the Governor-General in Council agrees with the Lieutenant-Governor as to the expediency of inserting in the Act for giving effect to the Resolution a Registration Clause for the purpose contemplated in paragraph 55.

14. This correspondence, I am to add, will be considered in connexion with the Bill for the introduction of which leave was given at the last Meeting of the Council for making Laws and Regulations. The Lieutenant-Governor will have an opportunity of offering his remarks on the provisions of that Bill before it is passed into Law.